

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3872

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

HEALTHWISE
JEANETTE D. ROGERS
PO BOX 30270
SALT LAKE CITY, UT 84130-3002
UT ID No. 1346

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

DOCKET No. 2109-016 H1

Enf. Case No. 2375

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. §§ 31A-2-201 and 63G-4-201 and Utah Admin. Code R590-160. Based upon information contained in agency files or known to the Commissioner, the Commissioner makes the following:

FINDINGS OF FACT

1. Respondent is an insurer authorized to do the business of insurance in the State of Utah holding Utah Identification number 1346.
2. Respondent failed to properly respond file the annual Small Employer Index Rates Report electronically via SERFF on or before February 1, 2009, as required by Utah Code Ann. §§ 31A-29-117, Utah Admin. Code R590-220-10, and Bulletin 2007-3.

3. Thereafter, Respondent was required, by a final notice letter dated February 3, 2009, to file the Small Employer Index Report electronically via SERFF on or before February 16, 2009 (see attached).

4. As of the date of this Notice of Informal Adjudicative Proceeding and Order, no response has been received and the time for response and any extensions granted has expired.

Having entered his Findings of Fact, the Commissioner now enters his:

CONCLUSION OF LAW

1. In failing to submit a timely response to an inquiry from the Commissioner, the Respondent violated Utah Code Annotated 31A-2-202(4).

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

ORDER

IT IS HEREBY ORDERED:

1. Respondent shall pay an administrative forfeiture in the amount of \$750.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall provide a substantive response to the Commissioner's inquiries to be received in the offices of the Utah Insurance Department no later than by the date this Order becomes final.

3. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

NOTIFICATION

If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, State Office Building, Room 3110, Salt Lake City, Utah 84114, Telephone Number (801) 538-3872. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

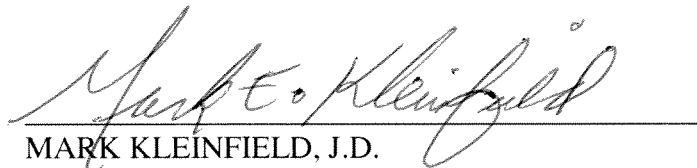
You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license and the filing of an action to enforce this Order in District Court, which may impose forfeitures of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

Questions regarding this Adjudicative Proceeding should be directed to Brent Oscarson, at the Utah Insurance Department (801) 538-3195.

DATED THIS 17th day of February, 2009.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK KLEINFELD, J.D.
ADMINISTRATIVE LAW JUDGE
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800



Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

State of Utah

INSURANCE DEPARTMENT

D. Kent Michie
Commissioner

February 3, 2009

JEANETTE D. ROGERS
HEALTHWISE
PO BOX 30270
SALT LAKE CITY, UT 84130-3002

Final Notice

RE: ELECTRONIC FILING OF THE SMALL EMPLOYER INDEX RATES REPORT AS REQUIRED BY UTAH CODE ANNOTATED (U.C.A.) § 31A-29-117 AND UTAH ADMINISTRATIVE CODE RULE (U.A.C.) R590-220-10

Effective July 1, 2007, all filers of forms, rates, and reports are required to submit all filings electronically. Commercial insurance companies were originally notified of this change via Bulletin 2007-3, which was published April 6, 2007 (see <http://www.insurance.utah.gov/bulletinIndex.html>).


U.A.C. R590-220-10 "Small Employer Index Rates Report" requires all small employer carriers to file their index rates as of January 1 of the current year and the preceding year, as required by U.C.A. § 31A-29-117(2).

As of the date of this mailing, the Utah Insurance Department does not have record of a valid electronic filing via SERFF of the Small Employer Index Rates Report for your company. The due date for filing this report was February 1, 2009. No extensions for filing this report have been granted and the report is past due.

U.C.A. § 31A-2-202 and U.A.C. R590-220-10 authorizes the commissioner to require this information promptly and in writing. You are hereby requested to submit the required Small Employer Index Rates Report electronically via SERFF by **no later than February 16, 2009**.

Failure to respond to this request will subject your company to the enforcement penalties under U.C.A. § 31A-2-308. Those penalties include monetary forfeitures and/or other sanctions. If you have any questions regarding this notice, please contact Brent Oscarson via email at boscarson@utah.gov. If your company has filed this report already, please provide the SERFF tracking number with your response.

D. KENT MICHIE, Commissioner


TANJI NORTHRUP
Director, Health Insurance Division

CERTIFICATE OF MAILING

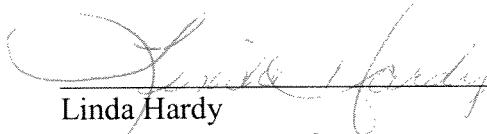
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER

To the following:

Healthwise
Jeanette Rogers
P.O. Box 30270
Salt Lake City, UT 84130-3002

DATED this 17th day of February 2009.


Linda Hardy Court Clerk
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901

**UTAH
Invoice - Original**

Printed Date: February 17, 2009
Invoice Date: February 17, 2009
Balance Due: \$750.00
Due Date: March 14, 2009
Invoice ID: 405908
NAIC ID: 95303
Payor ID: 1346

JEANETTE D ROGERS
HEALTHWISE
PO BOX 30270
SALT LAKE CITY UT 84130-0270

Item Description	Amount
2/17/2009 Monetary Penalty Company E-Case 2375 Docket 2009-016 HL	\$750.00
Original Amount Due	<u>\$750.00</u>

**UTAH
Invoice - Original**

Invoice Date: February 17, 2009
Balance Due: \$750.00
Due Date: March 14, 2009
Invoice ID: 405908
Payor ID: 1346
Payor Name: HEALTHWISE

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901