

Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Connie S. Nowland, Market Conduct Examiner
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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:
UTAH INSURANCE DEPARTMENT,

vs.

RESPONDENT:

HUMANA MEDICAL PLAN OF UTAH
c/o Cindy Hanke
P.O. Box 11268
Green Bay, WI 54307-1268
Company ID: 16360
NAIC ID: 12908 EIN: 20-8411422

**NOTICE OF INFORMAL
AGENCY ACTION AND ORDER**

Docket No. 2015-059 HL

Enforcement Case No. 3772

Judge Gregory Soderberg, J.D.
Administrative Law Judge

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated § 31A-2-201, 31A-2-308 and 63G-4-201. Based upon information contained in the Department's files or known to the Department, the presiding officer enters the following:

FINDINGS OF FACT

1. Respondent, HUMANA MEDICAL PLAN OF UTAH, is an active non-resident health insurance company authorized to do business in the State of Utah under Company ID 16360.

2. On April 1, 2016, Humana Medical failed to provide accurate call center data as required by Utah Code Annotated § 31A-22-613.5(4)(b) and Utah Administrative Rule R590-271, by omitting the “Average Telephone Reporting Time” in their submission.

3. Humana Medical was contacted by the Utah Insurance Department regarding the incomplete submission of the membership call data and agreed to an extension date of April 21, 2016.

4. On April 21, 2016, Humana Medical then resubmitted the data they previously sent to the department, which was still incomplete, along with an explanation advising the Department that they were still working on gathering the data.

5. As of the date of this Notice of Agency Action and Order, no further response has been received.

Having entered the Findings of Fact, the Presiding Officer now enters the following:

CONCLUSIONS OF LAW

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

2. In failing to provide accurate and complete information to the Commissioner, the Respondent has violated Utah Code Annotated § 31A-2-202(6).

3. In failing to submit the reports referenced in Utah Administrative Rule R590-271-4(1)(a) by April 1, 2016, the Respondent has violated Utah Administrative Rule R590-271-4(1)(b)(i).

Based on the Findings of Fact and the Conclusions of Law, the Presiding Officer now enters the following Order:


ORDER

IT IS HEREBY ORDERED:

1. Respondent, HUMANA MEDICAL PLAN OF UTAH, is assessed an administrative forfeiture in the amount \$5,000.00.
2. The total amount of said forfeiture shall be paid to the Department no later than thirty (30) days after the date this Order becomes final.
3. The previously requested incomplete data is to be submitted to the department no later than thirty (30) days after the date of this Order.
4. 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.

DATED this 25 day of May, 2016.

TODD E. KISER
INSURANCE COMMISSIONER



GREGORY SODERBERG, J.D.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
Telephone: (801) 538-3800

NOTIFICATION

If you request a hearing regarding this matter, please contact Market Conduct Examiner, Connie S. Nowland at (801) 538-3040. 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.