

HELEN A. FROHLICH #8814  
Assistant Utah Attorney General  
SEAN D. REYES #7969  
Utah Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, 5<sup>th</sup> Floor  
P.O. Box 140874  
Salt Lake City, Utah 84114-0874  
Telephone: (801) 366-0375  
hfrohlich@agutah.gov

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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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| UTAH INSURANCE DEPARTMENT,<br><br>Complainant,<br><br>vs.<br><br>HUMANA INSURANCE COMPANY,<br><br>Respondent. | FINDINGS OF FACT, CONCLUSIONS OF<br>LAW AND ORDER<br><br>Docket No. 2019-4068<br><br>Lisa Watts Baskin<br>Presiding Officer |
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Complainant, Utah Insurance Department ("Department") and Respondent, Humana Insurance Company, have stipulated to entry of the following Findings of Fact, Conclusions of Law, and Order. Based upon that stipulation, and good cause appearing, the Presiding Officer makes and enters the following:

**FINDINGS OF FACT**

1. Respondent is an insurer holding license number 73288.
2. Respondent's mailing address is PO Box 11268, Green Bay, WI 54307-1268.
3. On April 29, 2016, Respondent received a claim for services rendered by a doctor's office on April 6, 2016.

4. On May 6, 2016, the claim processed to the benefits within the plan. Respondent applied \$1,500.00 to the member's network deductible and paid \$400.00 to the doctor's office. However, Respondent then recouped the \$400.00 paid on this claim to offset a shortage on another claim.

5. The doctor's office ~~made~~<sup>made</sup> several unsuccessful attempts to recover the \$400.00 and LWB filed a complaint with the Department on October 11, 2017.

6. On October 18, 2017, the \$400 was adjusted back to the original claim number and a check was sent to the doctor's office on October 24, 2017.

7. The Department and Respondent have agreed to an administrative forfeiture of \$2,500.00.

#### CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner ("Commissioner") has jurisdiction over the parties and this adjudicative proceeding pursuant to Utah Code §§ 31A-1-105 and 31A-2-201.

2. The Commissioner has legal authority to impose penalties on the Department's licensees who violate the Utah Insurance Code. Utah Code § 31A-2-308.

3. Respondent violated Utah Code § 31A-26-301.6(2) and (3) by failing to timely pay a valid claim.

4. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$2,500.00.

#### ORDER

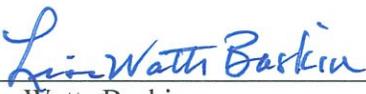
Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that:

1. Respondent shall pay a forfeiture of \$2,500.00 for the violations described in the Conclusions of Law.

2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

DATED this 5<sup>th</sup> day of March, 2019.

TODD E. KISER  
Utah Insurance Commissioner

  
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Lisa Watts Baskin  
Presiding Officer  
Utah Insurance Department

**NOTICE TO RESPONDENT**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 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.