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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,  Complainant,  vs.	<b>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER</b>
HUMANA INSURANCE COMPANY,  Respondent.	Docket No. 2019-4187  Lisa Watts Baskin Presiding Officer

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**NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING**

The Utah Insurance Department (“the Department”) commences this informal adjudicative proceeding against Respondent Humana Insurance Company (“Respondent”), pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203, and to Utah Admin. Code R590-160.

This informal adjudicative proceeding is based on the facts and law set forth in the attached Declaration and is designated as an informal adjudicative proceeding pursuant to Utah Code § 63G-4-202(1) and Utah Admin. Code R590-160-4 and -8.

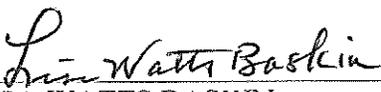
ORDER

Based on the facts and the law set forth in the attached Declaration, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent shall forfeit to the Department the amount of \$750.00.
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Informal Adjudicative Proceeding and Order is emailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.
3. A request for a hearing shall be sent by email to [uidadmincases@utah.gov](mailto:uidadmincases@utah.gov) or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 3110 State Office Building, Salt Lake City, UT 84114. The request for hearing shall be signed by the person making the request and shall state the basis for the relief requested.
4. If you fail to request a hearing you will be bound by this Order. Failure to request a hearing will be deemed a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

DATED this 3<sup>rd</sup> day of January, 2020.

TODD E. KISER  
Utah Insurance Commissioner

  
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LISA WATTS BASKIN  
Presiding Officer  
Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114  
801-538-3860  
Email: [uidadmincases@utah.gov](mailto:uidadmincases@utah.gov)

**NOTICE REGARDING ENFORCEMENT OF THE ORDER**

Failure to obey the Order may subject you to further penalties that include forfeitures of up to \$2,500 per violation, license suspension or revocation, and/or further enforcement action before the Utah District Court where forfeitures of up to \$10,000 may be imposed. If you are licensed in other jurisdictions, you may be required to report this proceeding to those jurisdictions.

## DECLARATION

Under criminal penalty of Utah law, I, Connie Nowland, declare the following:

1. I am currently employed as a Market Conduct Examiner with the Utah Insurance Department where my responsibilities include investigating and enforcing Utah insurance laws.

2. I submit this Declaration as the basis for issuing the Notice of Informal Adjudicative Proceeding and Order against Humana Insurance Company (“Respondent”) to which this Declaration is attached.

3. Based on my personal knowledge and/or based on the facts appearing in the Department’s records and files, the following facts are true:

a. Respondent is an insurer domiciled in the State of Kentucky and is authorized to do insurance business in the State of Utah. Respondent’s license number is 1166.

b. Respondent was required to file with the Department its response to the 2019 Utah Mental Health Parity Survey (“Survey”) on or before November 15, 2019.

c. On October 9, 2019, the Department sent Respondent a first notice to file its Survey response on or before November 15, 2019. The Department sent the notice to Respondent’s address on file.

d. On November 14, 2019, Respondent contacted the Department, via email, and requested an extension to file its Survey response on or before November 29, 2019.

e. On November 15, 2019, the Department notified Respondent, via email, that its request for an extension was granted and that Respondent was to file its response on or before November 27, 2019.

f. On November 26, 2019, Respondent contacted the Department, via telephone, and requested a second extension to file its Survey response. Respondent requested an extension to file its response on or before December 6, 2019.

g. The Department granted Respondent's request for a second extension.

h. On December 12, 2019, Respondent filed its Survey response with the Department.

4. The above declared facts demonstrate that Respondent did not comply with the following provision of the Utah Insurance Code:

a. Utah Code § 31A-2-202(4), by failing to timely file a response to an inquiry from the Utah Insurance Commissioner ("Commissioner"), i.e., Respondent's 2019 Utah Mental Health Parity Survey response. Specifically, Utah Code § 31A-2-202(4) provides that an insurer authorized to do business in Utah shall "reply promptly in writing or in other designated form to a reasonable written inquiry from the [C]ommissioner." *Id.*

5. Based on Utah Code § 31A-2-202(4) and other similar enforcement cases, the proper forfeiture amount for this violation is \$750.00.

Signed on this 2 day of January, 2020, at Salt Lake City, Utah.

Connie Nowland  
Connie Nowland, Market Conduct Examiner  
Utah Insurance Department