

FILED

APR 04 2023

**BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
FRIDAY HEALTH PLANS OF)
OKLAHOMA, INC., a licensed insurer)
in the State of Oklahoma,)
)
Respondent.)

**INSURANCE COMMISSIONER
OKLAHOMA**

Case No. 23-0152-SOL

AGREED ORDER OF SUPERVISION INSTANTER

THE STATE OF OKLAHOMA, ex rel. Glen Mulready, Insurance Commissioner (“Insurance Commissioner”), and Respondent, Friday Health Plans of Oklahoma, Inc. (“Company”), jointly agree to the issuance of this **AGREED ORDER OF SUPERVISION INSTANTER** applicable to the Company.

JURISDICTION

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and, as such, is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101–7402.
2. Friday Health Plans of Oklahoma, Inc. is authorized to do business in Oklahoma as a health maintenance organization pursuant to SBS Number 513030382, NAIC Company Code 17032.
3. The Insurance Commissioner has jurisdiction over this matter pursuant to the OKLA. CONST. art. VI, § 22 and the Oklahoma Insurance Code, specifically Article 18 Supervisors and Conservators of Insurances, 36 O.S. §§ 1801–12.

4. Pursuant to OAC 365:1-7-9(a), the Insurance Commissioner under the circumstances agreed to herein by the Company may order summary action.

FINDINGS OF FACT

5. The Insurance Commissioner finds that it is in the best interests of the Company's policyholders or members, creditors, and the general public that the Company be placed under supervision.

6. The Company agrees and consents to the issuance of this Order placing the Company under supervision pursuant to 36 O.S. § 1803(A).

CONCLUSIONS OF LAW

7. The Insurance Commissioner is authorized, pursuant to 36 O.S. § 1803, to place the Company under supervision to address the Company's situation. The Company agrees and consents to such supervision.

8. The Insurance Commissioner is authorized, pursuant to 36 O.S. § 1804, to appoint a supervisor, to require that the Company conduct its business in a certain manner as ordered, and to refrain from engaging in certain acts. The Company agrees to such an appointment.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, pursuant to 36 O.S. § 1803 and the consent of the Company, that Friday Health Plans of Oklahoma, Inc. is placed under the SUPERVISION of the Oklahoma Insurance Department, effective immediately.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, pursuant to 36 O.S. § 1804 and the consent of the Company, that the Insurance Commissioner may appoint a supervisor for the insurer. The Insurance Commissioner's designated Supervisor shall have all powers of a supervisor and examiner outlined in the Oklahoma Insurance Code and with costs incident to the

Supervisor's services and any other services performed by the Insurance Commissioner's employees, examiners, and counsel to be fixed by the Insurance Commissioner and paid from the Company's assets and funds of the Insurance Commissioner may determine.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, and with consent of the Company, that the Supervisor perform the following acts as needed:

- a. Conduct an examination of the Company;
- b. Make inventory of all Company assets;
- c. Collect agent balance receivables;
- d. Identify and terminate all unnecessary expenses; and
- e. Take such other actions as the Insurance Commissioner and Supervisor may determine to be necessary to protect the Company's policyholders or members, creditors, and general public.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, pursuant to 36 O.S. § 1804(B) and the consent of the Company, the Company shall cease to add new members or enrollees, unless the addition is to add a family member of a current member or enrollee, during supervision.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by Insurance Commissioner, and with the consent of the Company, that the Company shall continue processing and servicing its claims and members of the health maintenance organization during supervision.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by Insurance Commissioner, and with the consent of the Company, that the Company shall continue to make timely claims payments during supervision.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by Insurance Commissioner, and with the consent of the Company, that the Company shall immediately begin filing with the Insurance Commissioner monthly financial reports which shall include balance sheet, income statement, cash flow statement, and estimated risk-based capital. The monthly reports must be delivered to the Insurance Commissioner no later than the 15th day of the following month. The Company shall provide the Insurance Commissioner any additional documents that the Insurance Commissioner deems necessary after reviewing the monthly financial statements.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by Insurance Commissioner, and with the consent of the Company, that the Company shall immediately begin filing with the Insurance Commissioner monthly updates on claims, including any claims over thirty (30) days aged.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, and with the consent of the Company, that the Company shall file a plan of operation designed to bring the Company into compliance with all relevant provisions of the Oklahoma Insurance Code. The plan of operation shall be designed to return the Company to a financially stable condition and to prevent hazardous conditions from occurring in the future. As an alternative to the written plan of operation, the Company may submit a written plan designed to facilitate an orderly wind down and ensure compliance with all applicable laws during such wind down.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, and with the consent of the Company, that the Company shall demonstrate an attainable path to achieve necessary and sufficient capital and surplus as required by the Oklahoma Insurance Code. Sufficiency and attainability shall be determined by the Insurance Commissioner.

The Insurance Commissioner may require the Company to fund a special deposit to be held by the Insurance Commissioner under joint control with the Company. The purpose of a special deposit would be to assure the continuation of healthcare services to Oklahoma enrollees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, and with the consent of the Company, that the Company may not perform the following acts without the express written consent from the Insurance Commissioner or Supervisor, including:

- a. With the exception of routine claim payments, making a cash disbursement in excess of \$5,000.00;
- b. Disposing, conveying, or encumbering any of its assets or its business in force;
- c. Lending any funds;
- d. Investing any funds;
- e. Transferring any property;
- f. Destroying any books or records (physical or digital);
- g. Relocating or moving any books or records (physical or digital);
- h. Incurring any debt, obligation, or liability;
- i. Merging or consolidating with any company or entity, or entering into an agreement to be acquired by another company, entity or person;
- j. Issuing any capital stock or capital notes, including surplus notes;
- k. Entering into any new reinsurance contract or treaty or modifying (including terminating) any existing reinsurance contract or treaty;
- l. Releasing, paying, or refunding premium deposits, or member security deposits and surplus deposits, unearned premiums, or other reserves on any insurance policy,

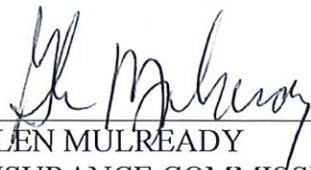
certificate or contract;

- m. Making any material change in management;
- n. Increasing salaries and benefits of officers, directors, or employees;
- o. Making any bonus payment to any officer, director, or employee;
- p. Entering into or modifying any existing employee pension or other employee benefit plan;
- q. Entering into or modifying any existing employment contract with any officer, director, employee, or any other person;
- r. Paying dividends or making other distributions to shareholders;
- s. Making payments, loans, or advances of any type and for any reason to affiliates;
- t. Entering into new, or modifying existing, affiliated agreements; or
- u. Modifying or terminating any contract or agreement with any vendor that provides administrative, claims, or other services.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, and with the consent of the Company, that nothing in this Order shall preclude the Insurance Commissioner from seeking additional or separate action pursuant to Article 18 and Article 19 of the Oklahoma Insurance Code.

Witness my Hand and Official Seal this 4 day of April, 2023.





GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

APPROVED:

DocuSigned by:

Beth Bierbower

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Elizabeth Bierbower, Chief Executive Officer
Friday Health Plans of Oklahoma, Inc.
700 Main Street, Suite 100
Alamosa, CO 81101

Teresa Green

Digitally signed by Teresa Green
DN: cn=Teresa Green, o=Oklahoma Insurance Department,
ou=Legal Division, email=Teresa.Green@oid.ok.gov, c=US
Date: 2023.04.04 12:26:35 -05'00'

Teresa L. Green, OBA #32897
Senior Counsel
Oklahoma Insurance Department
400 N.E. 50th Street
Oklahoma City, OK 73105
Phone: (405) 522-6654

CERTIFICATE OF MAILING

I, Teresa L. Green, hereby certify that a true and correct copy of the above foregoing *Agreed Order of Supervision Instanter* was mailed via certified mail, with postage prepaid and return receipt requested, and electronic mail on this 4th day of April, 2023, to:

Friday Health Plans of Oklahoma, Inc.
700 Main Street, Suite 100
Alamosa, CO 81101

CERTIFIED MAIL NO. **7022 2410 0003 2697 7770**

Beth.Bierbower@fridayhealthplans.com

and a copy was delivered to:

Oklahoma Insurance Department's Financial Division
Oklahoma Insurance Department's Consumer Assistance

Teresa Green
Teresa L. Green

Digitally signed by Teresa Green
DN: cn=Teresa Green, o=Oklahoma Insurance Department,
ou=Legal Division, email=Teresa.Green@oldok.gov, c=US
Date: 2023.04.04 12:30:40 -0500