

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

MAR 04 2010

Legal Division

Case No. 10-0303-DIS

Respondent.

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concerning a claim...shall, within twenty (20) days after receipt of such inquiry, furnish the Commissioner with an adequate response to the inquiry.” 36 O.S. § 1250.4(B).

ALLEGATIONS OF FACT

4. In July 2009, Petitioner received a Request for Assistance (“RFA”) from an individual (“claimant”) seeking assistance with the payment of health benefits.

5. On September 4, 2009, Petitioner sent a letter and the RFA to Meritain, the third-party administrator, for response. Petitioner did not receive a response to this letter.

6. On October 23, 2009, Petitioner sent a second letter to Respondent seeking a response to Petitioner’s inquiry. Petitioner did not receive a response to this letter.

7. On December 14, 2009, Petitioner sent a third letter to Respondent seeking a response to Petitioner’s inquiry. Petitioner did not receive a response to this letter.

8. On March 1, 2010, Petitioner received a telephone call from Respondent stating that a response to the September 4, 2009, October 23, 2009 and December 14, 2009 letters would be provided within twenty-four (24) hours.

9. On March 2, 2010, Petitioner received a written response from Respondent to the September 4, 2009, October 23, 2009 and December 14, 2009 letters.

10. Respondent had 20 days in which to respond to Petitioner. 36 O.S. § 1250.4(B).

11. “[U]pon determining that the administrator has violated any of the provisions of the Oklahoma Insurance Code . . . the Commissioner may either suspend or revoke an administrator's license or assess a civil penalty of not more than Five Thousand Dollars (\$5,000.00) for each occurrence. The payment of the penalty may be enforced in the same manner as civil judgments may be enforced.” 36 O.S. § 1450(G).

VIOLATIONS OF LAW

12. By failing to respond to Petitioner’s September 4, 2009 letter, as well as additional attempts to solicit a response from Respondent on October 23, 2009 and December 14, 2009, within twenty (20) days, Respondent’s conduct violates 36 O.S. § 1250.4(B).

13. Therefore, Respondent's conduct is subject to disciplinary action under 36 O.S. § 1450(G).

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent has violated the Oklahoma Unfair Claims Settlement Practices Act and that, based on the above Allegations of Fact and Violations of Law, Respondent be **FINED** in the amount of Two Hundred Dollars (\$200.00) per violation of the Unfair Claims Settlement Practices Act, for a total of Two Hundred Dollars (\$200.00).

IT IS FURTHER ORDERED that in the future, Respondent comply with the Oklahoma Insurance Code, 36 O.S. § 101 et seq., and specifically the Unfair Claims Settlement Practices Act, 36 O.S. § 1250.1 through 1250.17. Further, Respondent shall enact proper safeguards to ensure that it complies with the provisions of the Oklahoma Insurance Code and the Unfair Claims Settlement Practices Act.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Respondent has the right to request a hearing. A request for hearing shall be made in writing, addressed to the Oklahoma Insurance Department, Legal Division, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408 and must be served on the Oklahoma Insurance Department within 30 days.

Unless a hearing is requested within 30 days, this Order shall become a Final Order on the thirty-first day following the date of mailing of this Order.

If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as a notice of the matters to be reviewed at the hearing, and the Allegations of Fact, Alleged Violations of Law, and penalties imposed in this Conditional Order shall be considered withdrawn, pending final resolution at the hearing. If a hearing is requested, the Insurance Commissioner will appoint an independent hearing examiner

who shall sit as a quasi-judicial officer and who may preside over the hearing which may be requested by the Respondent. The proceedings on any requested hearing will be conducted in accordance with the Oklahoma Insurance Code and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq. Further, the Insurance Commissioner, upon written request reasonably made by a person affected by the hearing and at such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

WITNESS My Hand and Official Seal this 5th day of March 2010.



KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Melanie Pouncey Sullivan
Assistant General Counsel
Oklahoma Insurance Department
P.O. Box 53408
2401 N.W. 23rd
Oklahoma City, Oklahoma 73107
Telephone: (405) 521-2746
Fax: (405) 522-0125

CERTIFICATE OF MAILING

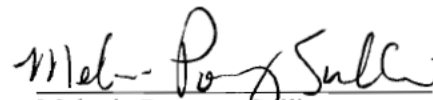
On this 24th of March 2010, a true and correct copy of the above and foregoing Conditional Administrative Order, Statement of Charges, and Notice of Right to be Heard was mailed, via certified mail, to:

Meritain Health, Inc.


CERTIFIED MAIL No. 7006 0810 0002 6163 9683

Notification sent to:

Martha Hall


Melanie Pouncey Sullivan