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ISB No. 4377

FILED

MAR 01 2011

Department of Insurance  
State of Idaho

*Attorneys for Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

GUARDIAN LIFE INSURANCE  
COMPANY OF AMERICA,

Certificate of Authority No. 49  
NAIC ID No. 64246.

Docket No. 18-2673-11

**ORDER GRANTING REQUEST FOR  
BLOCK NON-RENEWAL AND FOR  
WITHDRAWAL FROM THE  
INDIVIDUAL HEALTH MARKET**

WHEREAS, GUARDIAN LIFE INSURANCE COMPANY OF AMERICA

("GUARDIAN LIFE") submitted to the Idaho Department of Insurance, by letter dated January 25, 2011, its request for permission to block non-renew, effective on or after September 1, 2011, all of its medical plans consisting of one (1) individual health policy in Idaho, pursuant to Idaho Code § 41-5207(1)(f), and its intent to discontinue the offering of all medical plans in Idaho effective immediately;

WHEREAS, GUARDIAN LIFE has represented to the Department that it will continue to service all of its existing individual health policies until such time as the policies would be due

for renewal, which is on or after September 1, 2011;

WHEREAS, GUARDIAN LIFE has indicated that it will provide reasonable notice of not less than one hundred eighty (180) days to policyholders affected by the non-renewals sought and allowed by this order;

WHEREAS, in light of Idaho Code §§ 41-1841 and 41-5207, good cause appearing therefor;

NOW, THEREFORE, IT IS HEREBY ORDERED that GUARDIAN LIFE is allowed, pursuant to Idaho Code §§ 41-1841 and 41-5207(1)(f), to effectuate a block non-renewal of its medical plans in Idaho, which action will affect one (1) individual health policy, beginning no sooner than September 1, 2011. GUARDIAN LIFE is to provide reasonable notice of not less than one hundred eighty (180) days to policyholders affected by the non-renewals allowed by this order in accordance with the policies and Idaho Code § 41-5207;

IT IS HEREBY FURTHER ORDERED that, pursuant to Idaho Code § 41-5207(1)(f), GUARDIAN LIFE is permitted to withdraw from the individual health market in Idaho effective immediately;

IT IS HEREBY FURTHER ORDERED that GUARDIAN LIFE is prohibited from offering and writing any new business in the individual health market in Idaho prior to January 25, 2016, pursuant to Idaho Code § 41-5207(2). This order is a final order and is effective immediately.

### **NOTIFICATION OF RIGHTS**

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the

petition will be considered denied by operation of law. *See* section 67-5246(4), Idaho Code.

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See* section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED and EFFECTIVE this 15 day of March 2011.

  
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WILLIAM W. DEAL, Director  
Idaho Department of Insurance

**CERTIFICATE OF SERVICE**

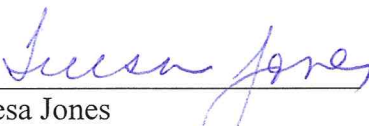
I HEREBY CERTIFY that I have, on this 1st day of March 2011, caused a true and correct copy of the foregoing order to be served upon the following by the designated means:

Guardian Life Insurance Company of America  
ATTN: John A. Dolan  
7 Hanover Square  
New York, NY 10004-4025

☒ first class mail  
☐ certified mail  
☐ hand delivery  
☐ via facsimile

Thomas A. Donovan  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
Boise, ID 83720-0043

☐ first class mail  
☐ certified mail  
☒ hand delivery  
☐ via facsimile

  
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Teresa Jones  
Assistant to the Director