

FILED 

JUN 30 2011

Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

BLUE CROSS AND BLUE SHIELD OF
KANSAS, INC., NAIC NO. 70729;
LOUISIANA HEALTH SERVICE AND
INDEMNITY COMPANY, d/b/a/ BLUE
CROSS BLUE SHIELD OF LA, NAIC NO.
81200,

Respondents.

Docket No. 18-2663-11

**ORDER SETTING ASIDE ORDER OF
DEFAULT AND DISMISSING
VERIFIED COMPLAINT AGAINST
BLUE CROSS AND BLUE SHIELD OF
KANSAS, INC.**

Based on the record, including the Department of Insurance's Motion to Set Aside
Default Order and Dismiss Verified Complaint Against Blue Cross and Blue Shield of Kansas,
Inc., and good cause appearing therefor;

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Idaho Code § 41-232(5),
that the Order of Default dated March 1, 2011, as entered against the Respondent BLUE CROSS
AND BLUE SHIELD OF KANSAS, INC., NAIC NO. 70729, is hereby set aside and of no
further force or effect.

IT IS FURTHER ORDERED that the Verified Complaint against BLUE CROSS AND BLUE SHIELD OF KANSAS, INC., is hereby dismissed without prejudice. Nothing herein prohibits or restricts the rights of the Department of Insurance from pursuing any claims it might have arising under title 41, chapter 60, of the Idaho Code against BLUE CROSS AND BLUE SHIELD OF KANSAS, INC., nor does anything in this Order constitute waiver of any defense or admission of any fact by BLUE CROSS AND BLUE SHIELD OF KANSAS, INC., with regard to any such claim asserted by the Department of Insurance. All rights of the parties to bring or defend an action under title 41, chapter 60, of the Idaho Code are expressly reserved.

Nothing herein disturbs the Order of Default as entered against LOUISIANA HEALTH SERVICE AND INDEMNITY COMPANY, d/b/a/ BLUE CROSS BLUE SHIELD OF LA, NAIC NO. 81200.


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.

IT IS SO ORDERED this 30TH day of JUNE 2011.

BY: 
WILLIAM W. DEAL, Director
Idaho Department of Insurance

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have, on this 30th day of June 2011, caused a true and correct copy of the foregoing ORDER SETTING ASIDE ORDER OF DEFAULT AND DISMISSING VERIFIED COMPLAINT AGAINST BLUE CROSS AND BLUE SHIELD OF KANSAS, INC., to be served upon the following by the designated means:

Louisiana Health Service And Indemnity
Company d/b/a/ Blue Cross Blue Shield of LA
P.O. Box 98029
Baton Rouge, LA 70898-9029

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

Blue Cross and Blue Shield of Kansas, Inc.
P.O. Box 239
Topeka, KS 66629-0001

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

Richard B. Burleigh
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0043

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



Teresa Jones