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FILED 

MAR 05 2012

Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

PACO ASSURANCE COMPANY, INC.

Certificate of Authority No. 3887
NAIC ID No. 10222

Docket No. 18-2739-12

**ORDER GRANTING REQUEST FOR
BLOCK NON-RENEWAL**

On January 18, 2012, the State of Idaho, Department of Insurance (Department), received from PACO ASSURANCE COMPANY, INC. (PACO) a letter dated January 11, 2012, notifying the Director of the Department (Director) of PACO's intent to block non-renew all of its healthcare professional liability certificates for optometrists residing and/or practicing in Idaho, which certificates were provided by PACO under a healthcare professional liability master policy issued to Medical Professionals Program, a risk purchasing group domiciled in Tennessee. PACO represented, in said letter, that this change will affect approximately thirty-nine (39) certificate holders in Idaho and that the certificates will be non-renewed at their natural expiration, the earliest of which is July 1, 2012.

The proposed effective date of the contemplated block non-renewal complies with the one hundred twenty (120) day notice requirement set forth in Idaho Code § 41-1841(1).

The Director having reviewed the foregoing, the requirements of Idaho Code § 41-1841(1) having been met, and good cause appearing therefor,

NOW, THEREFORE, IT IS HEREBY ORDERED that PACO is authorized, pursuant to Idaho Code § 41-1841, to effectuate a block non-renewal of all of its healthcare professional liability certificates for optometrists residing and/or practicing in Idaho, which certificates were provided under a healthcare professional liability master policy issued by PACO to Medical Professionals Program, a risk purchasing group domiciled in Tennessee. PACO may begin non-renewing the certificates no sooner than July 1, 2012, which non-renewals will affect approximately thirty-nine (39) Idaho certificate holders. PACO shall provide reasonable notice to certificate holders affected by the non-renewals authorized by this order in accordance with the notice provisions included in the company's applicable insurance policies.

THIS ORDER is a final order of the Director and is EFFECTIVE IMMEDIATELY.

NOTIFICATION OF RIGHTS

This is a final order of the Director. 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* Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, 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 Idaho Code § 67-5273.* The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED this 5TH day of March, 2012.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



WILLIAM W. DEAL
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 5th day of March, 2012, I caused a true and correct copy of the foregoing ORDER GRANTING REQUEST FOR BLOCK NON-RENEWAL to be served upon the following by the designated means:

PACO Assurance Company, Inc.
ATTN: Janet C. Fox
3000 Meridian Blvd., Ste. 400
Franklin, TN 37067

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

A. René Martin
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

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



Teresa Jones
Assistant to the Director