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Attorneys for the Department of Insurance

FILED

NOV 14 2012

Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

HEALTHY CHOICE PLAN
ADMINISTRATORS CORPORATION,

Third Party Administrator Non-Resident License
No. 382048,

Respondent.

Docket No. 18- 2812 -12

**STIPULATION AND ORDER
RESOLVING VIOLATION OF IDAHO
INSURANCE CODE**

The parties herein, namely the Idaho Department of Insurance ("**Department**") and its counsel of record, Richard B. Burleigh, Deputy Attorney General, and HEALTHY CHOICE PLAN ADMINISTRATORS CORPORATION, Third Party Administrator Non-Resident License No. 382048, do hereby agree and stipulate to the following facts and conclusions of law:

1. That the Director of the Idaho Department of Insurance has jurisdiction over this matter pursuant to title 41, Idaho Code.
2. That HEALTHY CHOICE PLAN ADMINISTRATORS CORPORATION ("**Respondent**"), was granted Third Party Administrator ("**TPA**") License No. 382048 effective

as of July 7, 2011.

3. That Respondent's TPA Non-Resident License No. 382048 is scheduled to expire as of January 1, 2013.

4. That, pursuant to Idaho Code § 41-914, all licensed TPAs are required to file an annual report with the Department on or before July 1 of each year.

5. That Respondent failed to file its annual report at any time prior to, on or after July 1, 2012.

6. That Respondent failed to renew its certificate of authority with the Idaho Secretary of State as required

7. That on September 20, 2012, the Idaho Secretary of State revoked Respondent's certificate of authority to do business in Idaho

8. That Idaho Code § 41-916(1) requires Respondent to report all administrative actions taken against Respondent by another governmental agency within thirty days of final disposition of the matter.

9. That Respondent did not report to the Department the revocation of Respondent's certificate of authority by the Idaho Secretary of State.

10. That Respondent continues to operate as an administrator in Idaho notwithstanding its failure to comply with the requirements of the Idaho Code.

11. That, pursuant to Idaho Code § 41-915(2)(a), the Department may seek revocation of Respondent's TPA non-resident license for failure to comply with the Idaho Code

12. That, pursuant to Idaho Code §§ 41-117 and 41-915(4), the Department may seek general penalties against Respondent of up to five thousand dollars (\$5,000.00) per violation of the Idaho Insurance Code.

13. That, in lieu of a contested enforcement action, the parties agree that this matter

can be brought to a close by a negotiated and stipulated settlement.

14. Respondent therefore agrees as follows:

- a. Respondent shall pay a fifteen hundred dollar (\$1,500.00) penalty to the Department within ten (10) business days following the execution of this Stipulation.
- b. Respondent shall file an annual report as required by Idaho Code § 41-914 within thirty (30) days from the execution of this Stipulation.
- c. Respondent shall promptly and prior to filing its annual report submit the necessary documentation to the Idaho Secretary of State to re-establish its certificate of authority to do business in Idaho.
- d. Respondent shall promptly and prior to filing its annual report submit a certified copy of its re-instated certificate of authority issued by the Idaho Secretary of State.
- e. If Respondent fails to comply with the preceding, Respondent agrees that the Department may revoke Respondent's TPA non-resident license without further notice or hearing.

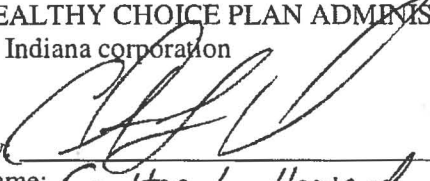
15. Respondent acknowledges that it has had the opportunity to consult with counsel concerning this Stipulation. Respondent waives its right to notice and hearing at which it may be represented by counsel, present evidence and examine witnesses. Respondent waives its right to submit this matter for review by a court of competent jurisdiction.

16. The parties agree that the terms of this Stipulation are appropriate and proper under the circumstances referenced herein, and that they have entered into this Stipulation knowingly, voluntarily and with full knowledge of any rights they may be waiving thereby.

17. The parties hereby waive the right to seek reconsideration and judicial review of this Stipulation or the violations of the Idaho Code referenced herein.

AGREED THIS 13 day of November, 2012.

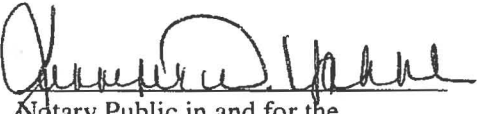
HEALTHY CHOICE PLAN ADMINISTRATORS CORPORATION
an Indiana corporation

By 
Name: Carlton L. Howard
Its: President/CEO

STATE OF INDIANA)
) ss.
County of HAMILTON)

On this 13th day of November, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Carlton L. Howard, the President of HEALTHY CHOICE PLAN ADMINISTRATORS CORPORATION, an Indiana corporation, who executed the foregoing instrument on behalf of said company, and acknowledged to me that the said instrument is the free and voluntary act and deed of said company, for the uses and purposes therein mentioned.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.


Notary Public in and for the
State of INDIANA
Residing at HAMILTON COUNTY
My commission expires: 2/27/2013

AGREED THIS 14TH day of November, 2012.

IDAHO DEPARTMENT OF INSURANCE

By: Wm R. mm for Georgia Siehl
Georgia Siehl, CPA, CFE
Bureau Chief, Chief Examiner
Idaho Department of Insurance

Approved as to Form:

OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO

By: 

Richard B. Burleigh
Deputy Attorney General
Attorney for the Idaho Department of Insurance

IT IS SO ORDERED.

DATED this 14TH day of November, 2012.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

for Wm W. Deal, Dep. Director
WILLIAM W. DEAL
Director

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 14th day of November, 2012, I caused a true and correct fully-executed copy of the foregoing STIPULATION AND ORDER RESOLVING VIOLATION OF IDAHO INSURANCE CODE to be served on the following by the designated means:

Healthy Choice Plan Administrators
Corporation
Attn: Compliance Department
PO Box 2164
Noblesville, IN 46061-2164

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

Richard B. Burleigh
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