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FILED 

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Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

CATAMARAN PBM OF MARYLAND, INC.,
f/k/a Catalyst Rx
Third Party Administrator License No. 290178,

Respondent.

Docket No. 18-2806-12

**STIPULATION RESOLVING
VIOLATIONS 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 CATAMARAN PBM OF MARYLAND, INC., Third Party Administrator License No. 290178, 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 CATAMARAN PBM OF MARYLAND, INC., f/k/a Catalyst Rx ("**Respondent**"), was granted Third Party Administrator ("**TPA**") License No. 290178 effective July 1, 2008, pursuant to the previous version of chapter 9, title 41, Idaho Code, which chapter

was replaced in its entirety in 2010 by the current version of chapter 9, title 41, Idaho Code.

3. That Respondent's TPA License No. 290178 is scheduled to expire as of January 1, 2014.

4. That Respondent was notified by letter dated February 22, 2012, and sent by U.S. First Class Mail, postage prepaid, that it would be required to file either a home state license application pursuant to Idaho Code § 41-911 or a non-resident application pursuant to Idaho Code § 41-912. The notice informed Respondent that the filing fee for the application would be waived by the Department.

5. That Respondent failed to file an application for either a home state or non-resident TPA license pursuant to the requirements of chapter 9, title 41, Idaho Code, and the Department's February 2012 notice.

6. 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.

7. That on or about July 2, 2102, RESPONDENT electronically filed an incomplete annual report with the Department utilizing Form TPA010C.

8. That RESPONDENT filed the wrong annual report form and that the proper form was either TPA010-A or TPA010-B.

9. That no further documentation has been provided by RESPONDENT concerning the filing of the proper annual report form.

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 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 five hundred dollar (\$500.00) penalty to the Department within ten (10) business days following the execution of this Stipulation.
- b. Respondent shall file an application for either a home state license pursuant to Idaho Code § 41-911 or a non-resident license pursuant to Idaho Code § 41-912 (which application shall satisfy the requirement to file an annual report pursuant to Idaho Code § 41-914) within thirty (30) days from the execution of this Stipulation.
- c. In connection with the application in item (b) above, Respondent shall also pay a \$300 application fee to be submitted with the application.
- d. If Respondent fails to comply with the preceding, Respondent agrees that the Department may revoke Respondent's TPA license without further notice or hearing.

15. Nothing in this Stipulation shall affect the Department's review of Respondent's TPA license application, which review and approval, if appropriate, shall proceed in the Department's normal course.

16. 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.

17. 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.

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

[Signatures on following pages.]

AGREED THIS 28th day of November, 2012.

CATAMARAN PBM OF MARYLAND, INC.
a Nevada corporation

By: [Signature]
Name: Clifford Berman
Its: SVP & General Counsel

STATE OF Illinois)
) ss.
County of DuPage)

On this 28th day of November, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Clifford Berman, the SVP & General Counsel of CATAMARAN PBM OF MARYLAND, INC., a Nevada 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.



Trisha E Frayne
Notary Public in and for the
State of Illinois
Residing at 204 LEAH COURT, SKIDMORE, IL 60178
My commission expires: 07.22.13

AGREED THIS 6th day of December, 2012.

IDAHO DEPARTMENT OF INSURANCE

W. R. Min Deputy Chief Ex.

By: 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: [Signature]

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

IT IS SO ORDERED.

DATED this 6th day of December, 2012.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

[Signature]
WILLIAM W. DEAL
Director

CERTIFICATE OF SERVICE

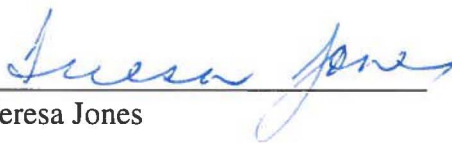
I HEREBY CERTIFY that on this 7th day of December, 2012, I caused a true and correct fully-executed copy of the foregoing STIPULATION RESOLVING VIOLATIONS OF IDAHO INSURANCE CODE to be served on the following by the designated means:

Catamaran PBM of Maryland, Inc.
Attn: Legal Department
800 King Farm Boulevard
Rockville, MD 20850

☒ 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