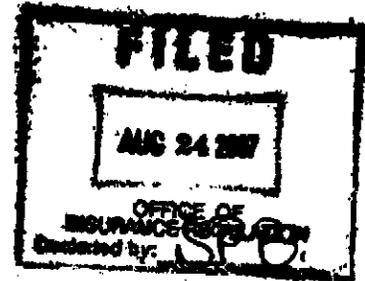




OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY  
COMMISSIONER



IN THE MATTER OF:

**AETNA LIFE INSURANCE COMPANY**

CASE NO.: 87828-06-CO

2005 Market Conduct Examination  
\_\_\_\_\_ /

**CONSENT ORDER**

THIS CAUSE came on for consideration as the result of an agreement between AETNA LIFE INSURANCE COMPANY (hereinafter referred to as "AETNA") and the OFFICE OF INSURANCE REGULATION (hereinafter referred to as the "OFFICE"). Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter of, and parties to, this proceeding.
2. AETNA is a foreign life and health insurer authorized to transact discount medical plan business in Florida and is subject to the jurisdiction and regulation of the OFFICE pursuant to Chapter 636, Part II, Florida Statutes.
3. The OFFICE conducted a market conduct examination of AETNA in 2005 pursuant to Section 636.206, Florida Statutes. As a result, it has determined that AETNA violated the following provisions of the Florida Insurance Code:

- a. Section 636.208(2), Florida Statutes – Failure to refund periodic fees for memberships cancelled within thirty (30) days of the effective date of enrollment.
  - b. Section 636.210(1)(b), Florida Statutes – Use of prohibited language in marketing materials.
  - c. Section 636.212, Florida Statutes – Failure to use the required font size on the website and in marketing materials.
  - d. Section 636.212(2), (3), (4), and (5), Florida Statutes – Failure to make the required disclosures in marketing materials and advertisements.
  - e. Section 636.216(3), Florida Statutes – Use of forms that were not approved by the **OFFICE**.
4. **AETNA** agrees that upon the execution of this Consent Order it shall be subject to the following terms and conditions:
- a. **AETNA** shall pay an administrative penalty of Four Thousand Dollars (\$4,000.00) and administrative costs of Three Thousand Dollars (\$3,000.00) on or before the thirtieth (30<sup>th</sup>) day after this Consent Order is executed.
  - b. **AETNA** shall henceforth comply with all of the applicable provisions of Chapter 636, Part II, Florida Statutes.
  - c. **AETNA** shall ensure that members who cancel their membership within thirty (30) days of the effective date of enrollment in the plan receive a full refund of periodic charges.
  - d. **AETNA** shall ensure that all Group Access Agreement Contracts between **AETNA** and the employer are properly executed.
  - e. **AETNA** shall not use forms for which approval is required under section 636.216, Florida Statutes, until they are approved by the **OFFICE**.

f. **AETNA shall modify current website pages, marketing materials, and advertisements to include the necessary disclosures in the required font size.**

g. **AETNA shall modify current website pages, marketing materials, advertisements, and telephone scripts to eliminate prohibited terms and phrases.**

h. **AETNA shall, within thirty (30) days of the execution of this Consent Order, provide the OFFICE certification by an officer of the Company that the corrective actions outlined above have been completed.**

5. **AETNA is hereby placed on notice of the requirements of the above-referenced provisions of law and agrees that any future violations of these statutes and rules by AETNA may be deemed willful, subjecting AETNA to appropriate penalties.**

6. **AETNA affirms that all representations and requirements set forth herein are material to the issuance of this Consent Order. Violation of any part of this Consent Order shall constitute a violation of a lawful order of the OFFICE and may subject AETNA to one or more of the administrative remedies available under the Florida Insurance Code or other applicable law.**

7. **AETNA expressly waives its right to a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the OFFICE, and all further and/or other proceedings herein to which the parties may now or in the future be entitled, either by law or by rules of the OFFICE. AETNA hereby knowingly and voluntarily waives all rights to challenge or to contest this Order, in any forum now or in the future available to it, including the right to any administrative proceeding, circuit or federal court action, or any appeal.**

8. **The parties agree that this Consent Order shall be deemed to be executed when the OFFICE has executed a copy of this Consent Order bearing the signature of AETNA's**

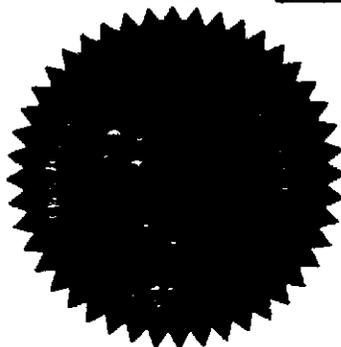
authorized representative under the seal of a notary public, notwithstanding the fact that the copy may have been transmitted to the **OFFICE** electronically.

9. Except as noted above, each party to this action shall bear its own costs and attorney's fees.

THEREFORE, the agreement between AETNA and the **OFFICE**, the terms and conditions of which are set forth above, is approved.

FURTHER, all terms and conditions above are hereby **ORDERED**.

**DONE AND ORDERED** this 24TH day of AUGUST, 2007.



~~KEVIN M. MCCARTY~~  
Commissioner  
Office of Insurance Regulation

By execution hereof, AETNA LIFE INSURANCE COMPANY consents to entry of this Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that he or she has the authority to bind AETNA LIFE INSURANCE COMPANY to the terms and conditions of this Consent Order.

AETNA LIFE INSURANCE COMPANY

Corporate Seal

By: \_\_\_\_\_  
Title: Vice President  
Date: 8-2-07

STATE OF Penna. )  
COUNTY OF Montgomery

The foregoing instrument was acknowledged before me this 2nd day of August, 2007,  
by Gregory S. Martino as Vice President for  
(Name of person) (Type of authority.... e.g. officer, trustee, attorney in fact)  
Aetna Life Insurance Company  
(Company name)

Personally Known X or Produced Identification \_\_\_\_\_

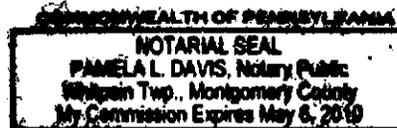
Type of Identification Produced \_\_\_\_\_

\_\_\_\_\_  
(Signature of the Notary)

Notarial Seal

\_\_\_\_\_  
(Print, Type or Stamp Commissioned Name of Notary)

My Commission Expires:



**COPIES FURNISHED TO:**

**Ronald A. Williams, President  
Aetna Life Insurance Company  
151 Farmington Avenue  
Hartford, CT 06156**

**Sam Binnun, Director  
Market Investigations  
Office of Insurance Regulation  
200 E. Gaines Street, 2nd Floor  
Tallahassee, FL 32399-4210**

**Lori Ridner, Assistant General Counsel  
Legal Services Office  
Office of Insurance Regulation  
200 E. Gaines Street, 6th Floor  
Tallahassee, FL 32399-4206**