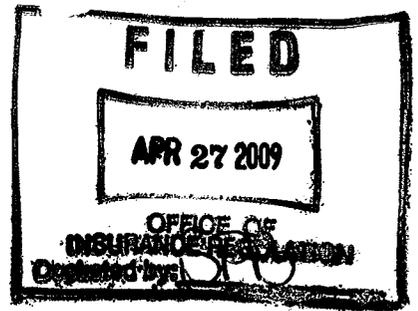




OFFICE OF INSURANCE REGULATION



KEVIN M. McCARTY  
COMMISSIONER

IN THE MATTER OF:

AMERICAN DENTAL CARE PARTNERS, LTD.  
2007 Market Conduct Examination

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CASE NO.: 95742-08

CONSENT ORDER

THIS CAUSE came on for consideration upon the agreement between AMERICAN DENTAL CARE PARTNERS, LTD. (hereinafter referred to as "AMERICAN DENTAL CARE") 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. AMERICAN DENTAL CARE is a foreign discount medical plan organization 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 AMERICAN DENTAL CARE in 2007 pursuant to Section 636.206, Florida Statutes. As a result of such examination, the OFFICE has determined that AMERICAN DENTAL CARE has violated the following provisions of the Florida Insurance Code:

- a. Section 636.214(2)(a), Florida Statutes – Failure of the provider agreements between the discount medical plan and the providers to contain a list of the services and products to be provided at a discount.
- b. Section 636.214(2)(b), Florida Statutes – Failure of the provider agreements between the discount medical plan and the providers to contain the amount of the discounts, or alternatively, a fee schedule which reflects the provider’s discounted rates.
- c. Section 636.210(1)(b), Florida Statutes and Rule 69O-203.203(2)(a), Florida Administrative Code – Use of words or phrases that could mislead or have the capacity to mislead a person into believing that the discount medical plan is health insurance.
- d. Section 636.216(3), Florida Statutes and Rule 69O-203.204(1)(a), Florida Administrative Code – Use of forms that have not been filed with and approved by the Office.
- e. Section 636.212(1), Florida Statutes – Failure of enrollment form to contain the required disclosure that the plan is not insurance.
- f. Rule 69O-203.203(2)(b), Florida Administrative Code – Use of advertisements that give false information, contain untrue, deceptive, or misleading words, phrases, statements, references or illustrations as to the contract benefits, health conditions covered, charges or processing fee.
- g. Section 636.216(1), Florida Statutes and Rule 69O-203.204(1), Florida Administrative Code – Use of charges that have not been filed with the Office.

h. Section 636.205(1)(d), Florida Statutes – Failure to maintain adequate complaint procedures as filed with the Office as a condition of licensure.

4. AMERICAN DENTAL CARE 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 other proceedings herein to which the parties may now or in the future be entitled by law or rules of the OFFICE. AMERICAN DENTAL CARE 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.

5. AMERICAN DENTAL CARE agrees that upon the execution of this Consent Order it shall be subject to the following terms and conditions:

a. AMERICAN DENTAL CARE shall pay an administrative penalty of Six Thousand Five Hundred Dollars (\$6,500) and administrative costs of Three Thousand Dollars (\$3,000) on or before the thirtieth (30<sup>th</sup>) day after this Consent Order is executed.

b. AMERICAN DENTAL CARE shall, within thirty (30) days of the execution of this Consent Order, provide to the OFFICE a certification signed by an officer of the Company that the corrective actions outlined in the examination report have been completed.

6. AMERICAN DENTAL CARE is hereby placed on notice of the requirements of the above referenced sections of law and rules, and agrees that any future violation of these sections and rules by AMERICAN DENTAL CARE may be deemed willful, subjecting AMERICAN DENTAL CARE to appropriate penalties.

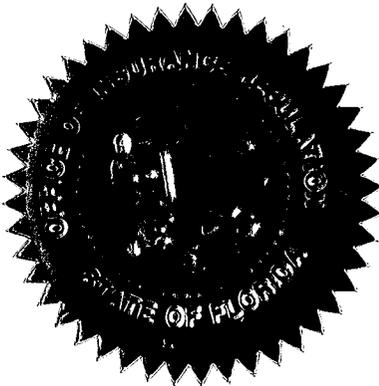
7. AMERICAN DENTAL CARE agrees that the failure to adhere to one or more of the above terms and conditions of this Consent Order shall constitute a violation of a lawful order of the OFFICE, and shall subject AMERICAN DENTAL CARE to such administrative action as the OFFICE may deem appropriate.

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

THEREFORE, the agreement between AMERICAN DENTAL CARE 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 27TH day of APRIL 2009.



  
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KEVIN M. McCARTY  
Commissioner  
Office of Insurance Regulation

By execution hereof, AMERICAN DENTAL CARE PARTNERS, LTD. 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 AMERICAN DENTAL CARE PARTNERS, LTD. to the terms and conditions of this Consent Order.

AMERICAN DENTAL CARE PARTNERS, LTD.

Corporate Seal

By: [Signature]

Title: President

Date: 4-15-09

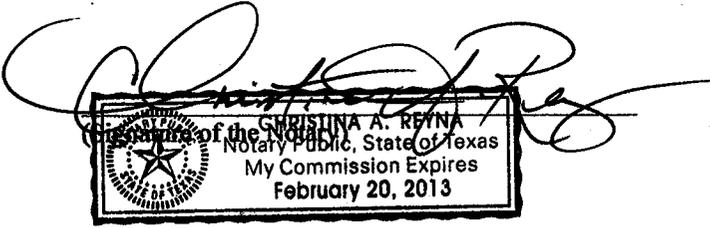
STATE OF Texas )  
COUNTY OF Harris )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of April, 2009,  
by Christina A. Reynas Notary Public, State of TX for  
(Name of person) (Type of authority.... e.g. officer, trustee, attorney in fact)  
American Dental Care Partners, Ltd.  
(Company name)

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

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

Notarial Seal



(Print, Type or Stamp Commissioned Name of Notary)

My Commission Expires:

**COPIES FURNISHED TO:**

**MICHAEL MAZZINI, PRESIDENT**  
American Dental Care Partners, Ltd.  
11221 Katy Freeway  
Houston, TX 77079-2133

**JIM BENNETT, DIRECTOR**  
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**SHARLEE HOBBS EDWARDS, ESQUIRE**  
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