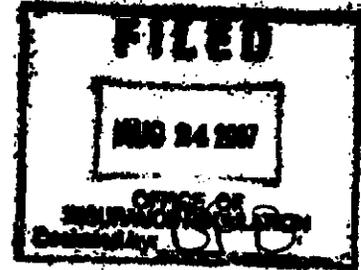




OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY
COMMISSIONER



IN THE MATTER OF:

AMERIPLAN CORPORATION

CASE NO.: 90418-07-CO

2006 Market Conduct Examination
_____ /

CONSENT ORDER

THIS CAUSE came on for consideration as the result of an agreement between **AMERIPLAN CORPORATION d/b/a BENEFIT PLANS OF AMERICA** (hereinafter referred to as "**AMERIPLAN**") 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. **AMERIPLAN** is a domestic 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 the Chapter 636, Part II, Florida Statutes.
3. The **OFFICE** conducted a market conduct examination of **AMERIPLAN** in 2006 pursuant to Section 636.206, Florida Statutes. As a result, it has been determined that

AMERIPLAN violated the following provisions of the Florida Insurance Code and Florida Administrative Code:

a. Section 636.212, Florida Statutes -- Failure to use the required 12-point type for disclosures on its website.

b. Section 636.214(3)(a), Florida Statutes -- Failure to have the required provisions in the network agreement to ensure agreements between the network and the provider comply with Section 636.214(2), Florida Statutes.

c. Section 636.214(3)(c), Florida Statutes -- Failure to have a provision in a network agreement that requires the network to maintain an up-to-date list of its contracted providers and to provide that list on a monthly basis to the discount medical plan organization.

d. Section 636.216(3), Florida Statutes -- Use of forms that were not approved by the **OFFICE**.

e. Rule 69O-203.202(1)(d), Florida Administrative Code -- Failure to state the membership effective date on the membership agreement.

f. Rule 69O-203.204(1)(a), Florida Administrative Code -- Failure to file with the **OFFICE** for approval all Plan contracts, to be used or issued in connection with any Plan.

4. **AMERIPLAN** agrees that upon the execution of this Consent Order it shall be subject to the following terms and conditions:

a. **AMERIPLAN** shall pay an administrative penalty of Three Thousand Dollars (\$3,000.00) and administrative costs of Three Thousand Dollars (\$3,000.00) on or before the 30th day after this Consent Order is executed.

b. **AMERIPLAN** shall henceforth comply with all of the provisions of Chapter 636, Part II, Florida Statutes.

c. **AMERIPLAN's** written agreement with Coast to Coast shall require the network's contract with its providers to contain a description of the services and products to be offered and the amount of the discount or fee schedule. In addition, the network agreement shall contain a stipulation that the provider will charge no more than the discounted rate.

d. **AMERIPLAN's** written agreement with Coast to Coast shall require monthly provider list updates.

e. **AMERIPLAN** shall not enroll members on forms until they have been approved by the **OFFICE**.

f. **AMERIPLAN** shall not use forms until they have been approved by the **OFFICE**.

g. **AMERIPLAN** shall file all revised forms with the **OFFICE** and receive approval prior to use.

h. **AMERIPLAN** shall provide all active members with the forms approved by the **OFFICE**.

i. **AMERIPLAN** shall provide members enrolled prior to April 1, 2005 with approved enrollment forms, written agreements, and fulfillment materials upon renewal.

j. **AMERIPLAN** shall develop procedures to ensure that refunds are made to eligible members in a timely manner.

k. **AMERIPLAN** shall ensure that all disclosures are printed in not less than 12-point type.

l. **AMERIPLAN** shall, within thirty (30) days of the execution of this Consent Order, provide to the **OFFICE** certification by an officer of the Company that the corrective actions outlined above have been completed, and shall provide the **OFFICE** with a copy of the

procedures, written agreements, website modifications, and any other documents that evidence the fulfillment of the corrective actions.

5. **AMERIPLAN** 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 **AMERIPLAN** may be deemed willful, subjecting **AMERIPLAN** to appropriate penalties.

6. **AMERIPLAN** 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 may subject **AMERIPLAN** to one or more of the administrative remedies available to the **OFFICE** under the Florida Insurance Code or other applicable law.

7. **AMERIPLAN** 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**. **AMERIPLAN** 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.

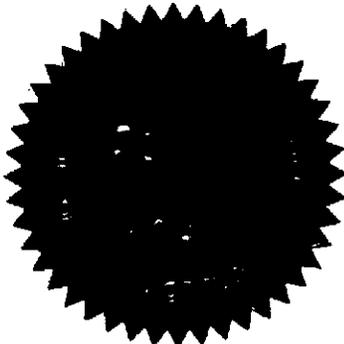
8. The parties agree that this Consent Order shall be deemed to be executed when the **OFFICE** has executed a copy of this Consent Order bearing the signature of **AMERIPLAN**'s authorized representative under the seal of a notary public, notwithstanding the fact that the copy may have been transmitted 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 AMERIPLAN 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, AMERIPLAN CORPORATION d/b/a BENEFIT PLANS OF AMERICA 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 AMERIPLAN CORPORATION. to the terms and conditions of this Consent Order.

AMERIPLAN CORPORATION

Corporate Seal

By: Daniel Bloom
Title: President
Date: 8/6/07

STATE OF TEXAS)
COUNTY OF COLLIN)

The foregoing instrument was acknowledged before me this 6th day of August, 2007,
by Daniel Bloom as President for
(Name of person) (Type of authority.... e.g. officer, trustee, attorney in fact)
AmeriPlan Corporation
(Company name)

Personally Known or Produced Identification _____

Type of Identification Produced _____

Notarial Seal



(Signature of the Notary)

KATHLEEN MANN
(Print, Type or Stamp Commissioned Name of Notary)

My Commission Expires:

COPIES FURNISHED TO:

**Daniel Bloom, President
Ameriplan Corporation
5700 Democracy Drive
Plano, TX 75024**

**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**