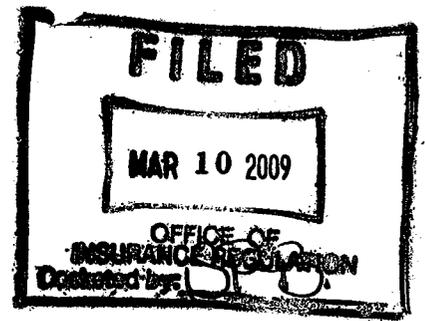




OFFICE OF INSURANCE REGULATION



KEVIN M. McCARTY
COMMISSIONER

IN THE MATTER OF:

AVIA DENTAL PLAN, INC.
2007 Market Conduct Examination

CASE NO.: 95741-08

CONSENT ORDER

THIS CAUSE came on for consideration upon the agreement between AVIA DENTAL PLAN, INC. (hereinafter referred to as "AVIA") 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. AVIA 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 AVIA in 2007 pursuant to Section 636.206, Florida Statutes. As a result of such examination, the OFFICE has determined that AVIA has violated the following provisions of the Florida Insurance Code:
 - a. Section 636.214(3)(c), Florida Statutes – Failure of the provider agreement between the discount medical plan organization and the

provider network to require the network to have agreements with its providers which require 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.

- b. Section 636.228(1), Florida Statutes – Failure of the marketer agreement between the discount medical plan organization and the marketer to require that all advertisements, marketing materials, brochures, and discount cards used by the marketer must be approved in writing by the discount medical plan organization.
- c. Section 636.216(3), Florida Statutes – Use of forms that have not been filed with and approved by the Office.
- d. Section 636.216(1), Florida Statutes – Use of charges that have not been filed with and approved by the Office.
- e. Section 636.212(1)-(5), Florida Statutes – Failure of advertising material to contain the disclosures as required.

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

- a. AVIA shall pay an administrative penalty of Four Thousand Dollars (\$4,000) and administrative costs of Three Thousand Dollars (\$3,000) on or before the thirtieth (30th) day after this Consent Order is executed.
- b. AVIA 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. AVIA is hereby placed on notice of the requirements of the above referenced sections of law, and agrees that any future violation of these sections by AVIA may be deemed willful, subjecting AVIA to appropriate penalties.

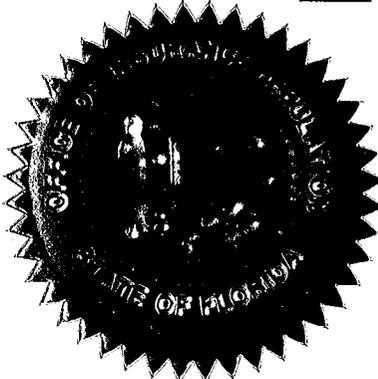
7. AVIA agrees that the failure to adhere to one or more of the above terms and conditions of this Consent Order shall constitute a violation of a lawful order of the OFFICE, and shall subject AVIA to such administrative action as the OFFICE may deem appropriate.

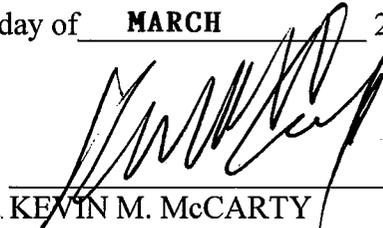
8. Except as noted above, each party to this action shall bear its own costs and attorney's fees.

THEREFORE, the agreement between AVIA 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 10TH day of MARCH 200 .





KEVIN M. McCARTY
Commissioner
Office of Insurance Regulation

By execution hereof, AVIA DENTAL PLAN, INC. 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 AVIA DENTAL PLAN, INC. to the terms and conditions of this Consent Order.

AVIA DENTAL PLAN, INC.

Corporate Seal

By: Karen D Caffield

Title: President

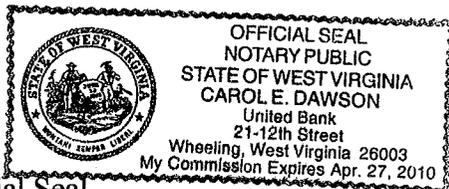
Date: 2/23/09

STATE OF WV)
COUNTY OF Ohio)

The foregoing instrument was acknowledged before me this 23rd day of Feb, 2009,
by Karen D Caffield as President for
(Name of person) (Type of authority.... e.g. officer, trustee, attorney in fact)
Avia Dental Plan
(Company name)

Personally Known _____ or Produced Identification

Type of Identification Produced driver license



Notarial Seal

Carol E Dawson
(Signature of the Notary)

(Print, Type or Stamp Commissioned Name of Notary)

My Commission Expires: 4-27-2010

COPIES FURNISHED TO:

KAREN COFFIELD, PRESIDENT

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