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OFFICE OF INSURANCE REGULATION

**KEVIN M. McCARTY
COMMISSIONER**

**OFFICE OF
INSURANCE REGULATION**
Decreted by: ET

IN THE MATTER OF:

CASE NO.: 97687-08-CO

AETNA HEALTH, INC.
Life and Health Market Investigation

CONSENT ORDER

THIS CAUSE came on for consideration upon agreement between AETNA HEALTH, INC. (hereinafter referred to as "AETNA HEALTH") 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 HEALTH is a domestic insurer authorized to transact Health Maintenance Organization insurance business in Florida, and is subject to the jurisdiction and regulation of the OFFICE pursuant to the Florida Insurance Code.
3. The OFFICE conducted an investigation of AETNA HEALTH pursuant to Section 641.3905, Florida Statutes. As a result of such investigation, the OFFICE has determined AETNA HEALTH violated the following provision of the Florida Insurance Code:
 - a. Section 641.386(1)(a), Florida Statutes – With respect to a health maintenance contract, no person shall, unless licensed and appointed as a health insurance agent in accordance

with the applicable provisions of the Florida Insurance Code solicit contracts or procure applications.

4. AETNA HEALTH expressly waives a hearing in this matter, and 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 be entitled by law or rules of the OFFICE. AETNA HEALTH hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent 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. AETNA HEALTH agrees upon the execution of this Consent Order it shall be subject to the following terms and conditions:

a. AETNA HEALTH is assessed an administrative penalty of Twenty-Five Thousand Dollars (\$25,000) and administrative costs of Three Thousand Dollars (\$3,000). Due to the unique facts and circumstances of this case, the OFFICE waives the Twenty-Five Thousand Dollar (\$25,000) administrative penalty. Accordingly, AETNA HEALTH shall remit the remaining Three Thousand Dollar (\$3,000) administrative costs on or before the thirtieth (30th) day after this Consent Order is executed.

b. AETNA HEALTH 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 all policyholders with an inforce policy have received notification that a Florida licensed and appointed agent has been assigned to their policy; and the electronic application process insures that no health insurance policy is delivered or issued for delivery, unless the application for such policy is taken by, and the delivery of such policy is made through, an insurance agent of the insurer duly licensed and appointed under the laws of this state.

6. AETNA HEALTH is hereby placed on notice of the requirements of the above referenced section of law, and agrees any future violations of this section by AETNA HEALTH may be deemed willful, subjecting AETNA HEALTH to appropriate penalties.

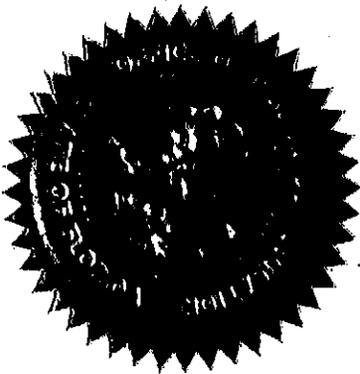
7. AETNA HEALTH agrees the failure to adhere to one or more of the above terms and conditions of this Consent Order shall constitute a violation of a lawful order of the OFFICE, and shall subject AETNA HEALTH to such administrative action as the OFFICE may deem appropriate.

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

WHEREFORE, the agreement between AETNA HEALTH 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 30 day of December, 2008.





Kevin M. McCarty
Commissioner
Office of Insurance Regulation

By execution hereof, AETNA HEALTH, INC. consents to entry of this Consent 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 HEALTH, INC. to the terms and conditions of this Consent Order.

By: 
AETNA HEALTH, INC.

Corporate Seal

Print Name: C. Carleton King

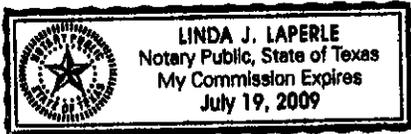
Title: President, Health Care Mgmt.

Date: 12/16/2008

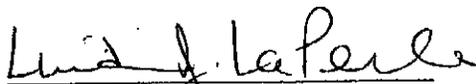
STATE OF TEXAS

COUNTY OF DALLAS

The foregoing instrument was acknowledged before me this 16th day of December 2008, by C. Carleton King, who is personally known to me or has produced the following identification NA. LJL



[Notarial Seal]


Signature of Notary

LINDA J. LAPERLE
Print or Type Name

My Commission Expires: July 19, 2009

COPIES FURNISHED TO:

MARK BERTOLINI, PRESIDENT

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