

FILED

MAR 11 2009



OFFICE OF INSURANCE REGULATION

OFFICE OF
INSURANCE REGULATION
Docketed by: FT

KEVIN M. McCARTY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 97691-08-CO

HUMANA MEDICAL PLAN, INC.

CONSENT ORDER

THIS CAUSE came on for consideration upon the agreement between HUMANA MEDICAL PLAN, INC. (hereinafter referred to as "HUMANA") 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. HUMANA is a licensed health maintenance organization, and is subject to the jurisdiction and regulation of the OFFICE pursuant to the Florida Insurance Code.
3. The OFFICE conducted an investigation of HUMANA pursuant to Section 641.3905, Florida Statutes. As a result of such investigation, the OFFICE determined HUMANA violated the following provision of the Florida Insurance Code:
 - a. Section 641.3903(5)(b), Florida Statutes - Making a material misrepresentation to the subscriber for the purpose and with the intent of effecting settlement of claims, loss, or damage under a health maintenance contract on less favorable terms than those provided in, and contemplated by, the contract.

4. HUMANA expressly waives 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 be entitled by law or rules of the OFFICE. HUMANA 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. HUMANA agrees upon the execution of this Consent Order, it shall be subject to the following terms and conditions:

a. HUMANA shall pay an administrative penalty of Twenty-Five Thousand Dollars (\$25,000) and administrative costs of Three Thousand Dollars (\$3,000.00). HUMANA shall remit the combined sum of Twenty-Eight Thousand Dollars on or before the thirtieth (30th) day after this Consent Order is executed.

b. HUMANA shall, within thirty (30) days of execution of this Consent Order, implement a system to ensure previously entered co-payments for HMO Standard Conversion Plan Policy Form number IHP1-MH010 11/99 are properly entered into its claims payment system.

c. HUMANA shall, within thirty (30) days of the execution of this Consent Order, implement a system to ensure future co-payments for all HMO Policy Forms are properly entered into its claims payment system.

d. HUMANA shall, within thirty (30) days of execution of this Consent Order, review all claims incurred after March 29, 2004 to the present for HMO Standard Conversion Plan Policy Form number IHP1-MH010 11/99 where physician surgical care may have incurred a co-payment when an ambulatory surgical center was used.

e. HUMANA shall, within thirty (30) days of execution of this Consent Order, reimburse all physicians surgical care co-payments for the period March 29, 2004 to present for HMO Standard Conversion Plan Policy Form number IHP1-MH010 11/99 and provide the Office an itemized accounting by subscriber name, policy number, claim number, and amount of co-payment reimbursed.

f. HUMANA shall, within thirty (30) days of execution of this Consent Order, provide a certification signed by an officer of the Company that corrective action has been implemented to ensure future compliance with the Florida Statutes and Florida Administrative Code with regard to the processing of claims.

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

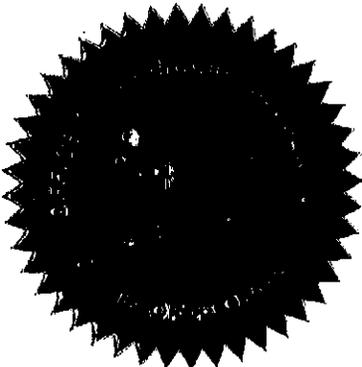
7. HUMANA agrees failure to adhere to one or more of the terms and conditions of this Order shall constitute a violation of a lawful order of the OFFICE, and shall subject HUMANA to such administrative action as the OFFICE may deem appropriate.

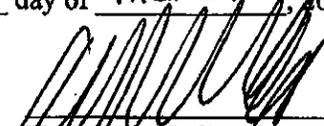
8. Except as noted above, each party to this action shall bear its own costs and attorney's fees.

WHEREFORE, the agreement between HUMANA 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 11 day of March, 2004.





Kevin M. McCarty
Commissioner
Office of Insurance Regulation

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

HUMANA MEDICAL PLAN, INC.

By: Lisa A Lewellen

LISA A Lewellen
Print or Type Name

Title: Vice President Senior Operations

Date: 3-5-09

Corporate Seal

STATE OF Kentucky

COUNTY OF Jefferson

The foregoing instrument was acknowledged before me this 5th day of March, 2008, 2009

by Lisa A. Lewellen as VP Commercial Operations
(Name of person) (type of authority.... e.g. officer, trustee attorney in fact)

for Humana Inc.
(company name)

Christie L. Shuffett
(Signature of the Notary) Exp 3-10-12

(Print, Type or Stamp Commissioned Name of Notary)

Personally Known or Produced Identification _____
Type of Identification Produced _____

[NOTARIAL SEAL]

My Commission Expires:

COPIES FURNISHED TO:

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