



OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY  
COMMISSIONER

**FILED**

**DEC 5 1998**

Doctored by: SP-B

IN THE MATTER OF:

CASE NO.: 86712-06-CO

**NEIGHBORHOOD HEALTH  
PARTNERSHIP, INC.**

Life and Health Market Investigation  
\_\_\_\_\_ /

**CONSENT ORDER**

THIS CAUSE came on for consideration as the result of an agreement between **NEIGHBORHOOD HEALTH PARTNERSHIP, INC.** (hereinafter referred to as "NEIGHBORHOOD") 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. **NEIGHBORHOOD** is a domestic health maintenance organization authorized to transact business in Florida, and is subject to the jurisdiction and regulation of the **OFFICE** pursuant to the Florida Insurance Code.

3. The **OFFICE** has conducted an investigation of **NEIGHBORHOOD** pursuant to Section 641.3905, Florida Statutes. As a result of such investigation, the **OFFICE** has determined that **NEIGHBORHOOD** committed the following violation of the Florida Insurance Code:

a. *Section 627.6699(6)(b)8.b., Florida Statutes*, which states in pertinent part that “the rate to be charged to a small employer group of fewer than 2 eligible employees, insured as of July 1, 2002, may be up to 125 percent of the rate determined for small employer groups of 2-50 eligible employees for the first annual renewal and 150 percent for subsequent annual renewals.”

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

a. **NEIGHBORHOOD** shall pay an administrative penalty of Ten Thousand Dollars (\$10,000.00), and administrative costs of Three Thousand Dollars (\$3,000.00), on or before the 30th day after this Consent Order is executed.

b. **NEIGHBORHOOD** shall, within 30 days after the Consent Order is executed, refund the excess premiums charged to one-life groups during the period of March 2003 through September 2003 plus interest of six percent (6%) compounded annually through the 1<sup>st</sup> of the month in which refunds are distributed.

c. Within 30 days after this Consent Order is executed, **NEIGHBORHOOD** shall provide a report, certified by an officer of the Company to be true and correct, of all consumer restitution. This report shall include: the group number, anniversary date, number of months affected, first year one-life factor, paid premium, adjusted premium, difference in the

two premiums, interest credited, the total refund paid with interest, and the date paid to the consumer.

5. **NEIGHBORHOOD** is hereby placed on notice of the requirements of the above-referenced section of law and agrees that any future violation of this section by **NEIGHBORHOOD** may be deemed willful, subjecting **NEIGHBORHOOD** to appropriate penalties.

6. **NEIGHBORHOOD** 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 shall constitute a violation of a lawful order of the **OFFICE** and may subject **NEIGHBORHOOD** to one or more of the administrative remedies available under the Florida Insurance Code or other applicable law.

7. **NEIGHBORHOOD** 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**. **NEIGHBORHOOD** hereby knowingly and voluntarily waives all rights to challenge or to contest this Order, in any forum now available to it, including the right to any administrative proceeding, circuit or federal court action, or any appeal.

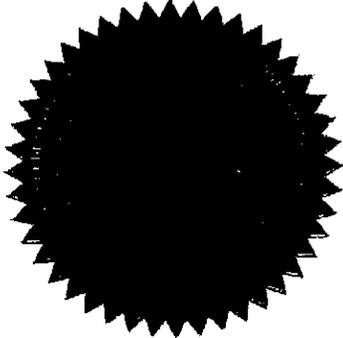
8. The parties agree that this Consent Order shall be deemed to be executed when the **OFFICE** has executed a copy of this Consent Order bearing the signature of **NEIGHBORHOOD**'s authorized representative under the seal of a notary public, notwithstanding the fact that the copy may have been transmitted 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 **NEIGHBORHOOD** 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 5TH day of DECEMBER, 2006.



*Kevin M. McCarty*  
\_\_\_\_\_  
Commissioner  
Office of Insurance Regulation

By execution hereof, **NEIGHBORHOOD HEALTH PARTNERSHIP, 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, pursuant to Section 624.310, Florida Statutes, that he/she has the authority to bind **NEIGHBORHOOD HEALTH PARTNERSHIP, INC.** to the terms and conditions of this Consent Order.

NEIGHBORHOOD HEALTH  
PARTNERSHIP, INC.

By: \_\_\_\_\_

Dan Rosenthal  
(Print or Type Name)

(Corporate Seal)

Title: Chief Executive Officer

Date: 11/1/2006

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of November 2006,

by Dan Rosenthal as Chief Executive Officer  
(Name of person) (Type of authority, e.g. officer, trustee, attorney in fact)

for Neighborhood Health Partnership, Inc.  
(Company name)

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

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

(Notarial Seal)



My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
(Signature of Notary)

Petra-kate Califano  
(Print, Type or Stamp Name of Notary)

COPIES FURNISHED TO:

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