



FILED

DEC 28 2022

INSURANCE REGULATION
Docketed by:

OFFICE OF INSURANCE REGULATION

DAVID ALTMAIER
COMMISSIONER

IN THE MATTER OF:

MY LIFEVANTAGE PARTNERS,
INC., and MY SENIOR HEALTHCARE
PARTNERS, INC.

CASE NO.: 278631-21

ORDER TO CEASE AND DESIST

TO: MY LIFEVANTAGE PARTNERS, INC.,
c/o Richard Dale
3500 Oak Lawn Avenue, Suite 395
Dallas, Texas 75219

MY SENIOR HEALTHCARE PARTNERS, INC.
c/o Richard Dale
3500 Oak Lawn Avenue, Suite 395
Dallas, Texas 75219

YOU ARE HEREBY NOTIFIED that pursuant to the Florida Insurance Code, including but not limited to sections 636.204, 636.206, 636.222, 636.223, 636.244, and 626.909, Florida Statutes, the FLORIDA OFFICE OF INSURANCE REGULATION (“OFFICE”) has caused an investigation to be made of the activities of MY LIFEVANTAGE PARTNERS, INC. (“LIFEVANTAGE PARTNERS”) and MY SENIOR HEALTHCARE PARTNERS, INC. (“SENIOR HEALTHCARE PARTNERS”) with respect to their discount plan organization activities. Pursuant to the Florida Insurance Code, the OFFICE intends to enter a Final Order requiring LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTERS to cease and desist from engaging in the unauthorized and unlicensed business of operating a discount plan

organization in Florida as set forth in Section 636.204, Florida Statutes. As grounds therefore, the OFFICE states the following:

Jurisdiction

1. Section 20.121(3)(a)1., Florida Statutes, provides, in part, that the OFFICE shall be responsible for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, and claims.

2. Section 624.01, Florida Statutes, provides that Chapters 624-632, 634, 635, 636, 641, 648, and 651 constitute the “Florida Insurance Code.”

3. The OFFICE has jurisdiction over LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTERS and the subject matter of this proceeding.

Findings of Fact

4. LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTERS are business entities in the state of Texas. Their principal places of business are located at 3500 Oak Lawn Avenue, Suite 395, Dallas, TX 75219.

5. Pursuant to section 636.202(2), Florida Statutes, a “discount plan organization” is an entity that, in exchange for fees, provides access for plan members to providers of medical services and the right to receive the medical services from those providers at a discount.

6. Pursuant to section 636.212(1), Florida Statutes, a discount plan organization must provide disclosures to prospective members that the plan is not insurance and that the plan provides discounts at certain medical care providers for medical services.

7. LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTERS are not, and have never been, licensed as discount plan organizations in the state of Florida.

8. On or about July 1, 2020, customer L.S., located in Fort Myers, Florida, paid annual membership dues for two people in the amount of \$1,599 to SENIOR HEALTHCARE PARTNERS for LIFEVANTAGE PARTNERS plan membership, and on or about July 1, 2020, customer P.B., located in N. Fort Myers, Florida, paid annual membership dues in the amounts of \$1,299 for one person to SENIOR HEALTHCARE PARTNERS for LIFEVANTAGE PARTNERS plan membership.

9. The membership plans sold by LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTNERS to the customers described above included reduced costs of prescription medications and the following other benefits:

Chiropractic & Alternative Medicine-reduced cost off normal fees and services;

Eyewear Benefits-reduced cost glasses;

Home Delivery Hearing Aid and Hearing Aid Service Plan-reduced costs on hearing aids;

Vitamin & Nutritional Supplements-reduced costs off of average retail prices; and

Dental & Dentures-reduced costs on most dental procedures.

10. LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTNERS have transacted, administered, or marketed discount plans in the state of Florida without a license.

11. As of the date of this order, there is a website, lifevantagepartners.com, which contains a phone number for potential customers to call LIFEVANTAGE PARTNERS about membership in reduced cost prescription drug and medical service benefits and contains information for potential customers to apply for membership with LIFEVANTAGE PARTNERS.

Conclusion of Law

12. Section 626.207(1), Florida Statutes, states that discount plan organizations shall be governed by the provisions of Part II of Chapter 636, Florida Statutes, and are exempt from the Florida Insurance Code unless specifically referenced.

13. Pursuant to section 636.204(1), Florida Statutes, before doing business as a discount plan organization, an entity must be licensed by the OFFICE as a discount plan organization.

14. Pursuant to section 636.202(1), Florida Statutes, a “discount plan” is a contract in which a business, in exchange for fees, provides access for plan members to providers of medical services and the right to receive medical services from those providers at a discount.

15. The plan memberships sold by LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTNERS to the customers described above included medical services and were discount plans as defined by section 636.202(1), Florida Statutes.

16. LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTNERS did business as discount plan organizations by selling and advertising the above-described plan memberships to customers as defined by section 636.202(2), Florida Statutes.

17. By engaging in the business of selling and advertising discount plans without having a license, LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTNERS violated section 636.204(1), Florida Statutes.

18. Pursuant to section 636.223(1), Florida Statutes, the OFFICE may issue and serve an order requiring a discount plan organization to cease and desist from engaging in the act that constitutes a violation of Part II, Chapter 636, Florida Statutes.

19. Based upon LIFEVANTAGE PARTNERS' and SENIOR HEALTHCARE PARTNERS' unlicensed activity in violation of section 636.204(1), Florida Statutes, the OFFICE is authorized to enter an order requiring LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTNERS to cease and desist selling discount plans, pursuant to sections 636.222(1)(a) and 636.223(1), Florida Statutes.

20. Sections 636.244 and 626.909(4), Florida Statutes, provide that transaction of business as an unauthorized discount plan organization shall be deemed consent by LIFEVANTAGE PARTNERS and SENIOR HEALTHCARE PARTNERS to the jurisdiction of the OFFICE and shall constitute an irrevocable appointment by them of the Secretary of State as their true and lawful attorney upon whom may be served all lawful process in any court by the OFFICE and shall constitute the agreement of them that such process against them be of the same legal force and validity as if served personally within this state.

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Proposed Agency Action

21. Notice is hereby provided that the OFFICE will enter a Final Order in this matter, subject only to the Notice of Rights herein. In its Final Order, the OFFICE shall order MY LIFEVANTAGE PARTNERS, INC., and MY SENIOR HEALTHCARE PARTNERS, INC. to cease and desist engaging in business in Florida as a discount plan organization without having a license. Also, in its Final Order, the OFFICE shall order MY LIFEVANTAGE PARTNERS, INC., and MY SENIOR HEALTHCARE PARTNERS, INC., to administer all its existing discount plans within the state of Florida until the term of the discount plans expire. MY LIFEVANTAGE PARTNERS, INC. and MY SENIOR HEALTHCARE PARTNERS, INC. are further notified that any person who violates a cease and desist order of the OFFICE shall constitute a felony or misdemeanor of the second degree pursuant to section 636.238, Florida Statutes.

DONE and ORDERED this 28th day of December, 2022.



David Altmaier

DAVID ALTMAIER
Commissioner
Office of Insurance Regulation

NOTICE OF RIGHTS

Pursuant to Sections 120.569 and 120.57, Florida Statutes and Rule Chapter 28-106, Florida Administrative Code (F.A.C.), you may have a right to request a proceeding to contest this action by the Office of Insurance Regulation (hereinafter the "Office"). You may request a proceeding by filing a Petition. Your Petition for a proceeding must be in writing and must be filed with the General Counsel acting as the Agency Clerk, Office of Insurance Regulation. If served by U.S. Mail the Petition should be addressed to the Florida Office of Insurance Regulation at 612 Larson Building, Tallahassee, Florida 32399-4206. If Express Mail or hand-delivery is utilized, the Petition should be delivered to 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300. The written Petition must be received by, and filed in the Office no later than 5:00 p.m. on the twenty-first (21) day after your receipt of this notice. Unless your Petition challenging this action is received by the Office within twenty-one (21) days from the date of the receipt of this notice, the right to a proceeding shall be deemed waived. Mailing the response on the twenty-first day will not preserve your right to a hearing.

If a proceeding is requested and there is no dispute of material fact the provisions of Section 120.57(2), Florida Statutes may apply. In this regard you may submit oral or written evidence in opposition to the action taken by this agency or a written statement challenging the grounds upon which the agency has relied. While a hearing is normally not required in the absence of a dispute of fact, if you feel that a hearing is necessary one may be conducted in Tallahassee, Florida or by telephonic conference call upon your request.

If you dispute material facts which are the basis for this agency's action you may request a formal adversarial proceeding pursuant to Sections 120.569 and 120.57(1), Florida Statutes. If you request this type of proceeding, the request must comply with all of the requirements of Rule Chapter 28-106.2015, F.A.C., including but not limited to:

- a) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so state; and
- b) A statement of when the respondent received notice of the agency's action.

These proceedings are held before a State Administrative Law Judge of the Division of Administrative Hearings. Unless the majority of witnesses are located elsewhere, the Office will request that the hearing be conducted in Tallahassee.

In some instances, you may have additional statutory rights than the ones described herein.

Failure to follow the procedure outlined with regard to your response to this notice may result in the request being denied. Any request for administrative proceeding received prior to the date of this notice shall be deemed abandoned unless timely renewed in compliance with the guidelines as set out above.

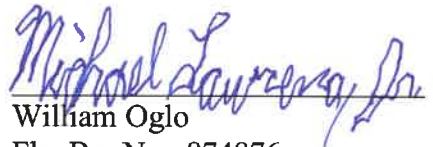
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order to Cease and Desist has been sent via certified mail to:

My LifeVantage Partners, Inc.,
c/o Richard Dale
3500 Oak Lawn Avenue, Suite 395
Dallas, Texas 75219

My Senior Healthcare Partners, Inc.
c/o Richard Dale
3500 Oak Lawn Avenue, Suite 395
Dallas, Texas 75219

on this 28th day of December, 2022.

for 
William Oglo
Fla. Bar No. 874876
Assistant General Counsel
Office of Insurance Regulation
200 East Gaines Street
Tallahassee, Florida 32399-4206
Phone: (850) 413-4142
bill.oglo@flor.com