



FILED

APR 23 2024

INSURANCE REGULATION
Docketed by: FR

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 325449-24

FRESENIUS HEALTH PLANS INSURANCE COMPANY

CONSENT ORDER

THIS CAUSE came on for consideration as the result of FRESENIUS HEALTH PLANS INSURANCE COMPANY's ("FRESENIUS HEALTH PLANS") failure to timely file its Freedom to Travel ("Freedom to Travel") data with the FLORIDA OFFICE OF INSURANCE REGULATION ("OIR") as required by Rule 69O-125.003(8)(a), Florida Administrative Code. Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, OIR hereby finds as follows:

1. OIR has jurisdiction over the subject matter and the parties herein. FRESENIUS HEALTH PLANS is an insurer authorized to transact business in Florida and subject to regulation by OIR, pursuant to the Florida Insurance Code.
2. Rule 69O-125.003(8)(a), Florida Administrative Code, requires each authorized insurer to maintain and submit Freedom to Travel data for each calendar year to OIR by January 31 of the following year.
3. In January, OIR issued a Data Call Notice for Freedom to Travel data to each insurer or insurer group required to submit filing.
4. Insurers were required to submit any Freedom to Travel data by January 31, 2024.

5. FRESENIUS HEALTH PLANS failed to timely submit its 2023 Freedom to Travel data with OIR, which was due on January 31, 2024.

6. On February 13, 2024, FRESENIUS HEALTH PLANS submitted its 2023 Freedom to Travel data with OIR.

7. Section 624.4211(1), Florida Statutes, provides that if OIR finds that one or more grounds exist for the discretionary revocation or suspension of a certificate of authority issued under Chapter 624, Florida Statutes, OIR may, in lieu of such revocation or suspension, impose a fine upon the insurer.

8. OIR finds that FRESENIUS HEALTH PLANS violated Rule 69O-125.003(8)(a), Florida Administrative Code. OIR deems the violation as non-willful warranting a fine in the amount of \$6,250 for the violation pursuant to Section 624.4211(2), Florida Statutes.

9. FRESENIUS HEALTH PLANS agrees that within 10 days of the execution of this Consent Order, FRESENIUS HEALTH PLANS shall pay an administrative fine in the amount of \$6,250 U.S. Dollars (“USD”) and administrative costs of \$1,000 USD to OIR.

10. Any deadlines, reporting requirements, other provisions, or requirements set forth in this Consent Order may be altered or terminated by written approval of OIR. Such approval must be requested in writing prior to any proposed deviation from the terms of this Consent Order.

11. FRESENIUS HEALTH PLANS agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may result, without further proceedings, in OIR suspending, revoking, or taking other administrative action as it deems appropriate upon FRESENIUS HEALTH PLANS’s certificate of authority in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

12. FRESENIUS HEALTH PLANS additionally agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may subject FRESENIUS HEALTH PLANS to such administrative action as OIR deems appropriate as specifically authorized by law.

13. FRESENIUS HEALTH PLANS additionally agrees that any future violations of the statutes or rules named herein may be deemed willful, subjecting FRESENIUS HEALTH PLANS to penalties as OIR deems appropriate.

14. FRESENIUS HEALTH PLANS expressly waives a hearing in this matter, the making of findings of fact and conclusions of law by OIR, and all further and other proceedings herein to which it may be entitled by law or rules of OIR. FRESENIUS HEALTH PLANS hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order in any forum available to it, now or in the future, including the right to any administrative proceeding, state or federal court action, or any appeal.

15. Except as noted above, each party to this action shall bear its own costs.

16. The parties agree that this Consent Order shall be deemed to be executed when the OIR has signed and docketed a copy of this Consent Order bearing the notarized signature of the authorized representative of FRESENIUS HEALTH PLANS.

WHEREFORE, the agreement between FRESANIUS HEALTH PLANS INSURANCE COMPANY and the FLORIDA OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

All terms and conditions contained herein are hereby ORDERED.

DONE AND ORDERED this 23rd day of April, 2024.



A handwritten signature in blue ink, appearing to read "Michael Yaworsky". The signature is fluid and cursive.

Michael Yaworsky, Commissioner
Office of Insurance Regulation

By execution hereof, FRESINIUS HEALTH PLANS INSURANCE COMPANY, consents to entry of this Consent Order, agrees without reservation to all the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that they have the authority to bind FRESINIUS HEALTH PLANS INSURANCE COMPANY, to the terms and conditions of this Consent Order.

FRESINIUS HEALTH PLANS INSURANCE COMPANY

By: Maureen Bernacki
Maureen Bernacki (sig: 16, 2024 12:59 EDT)

[Corporate Seal]

Print Name: Maureen Bernacki

Title: President

Date: 16/04/24

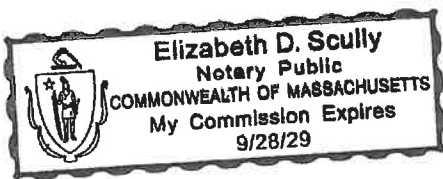
STATE OF MA

COUNTY OF Middlesex

The foregoing instrument was acknowledged before me by means of physical presence

or online notarization, this 16th day of April 2024, by Maureen Bernacki
(name of person)

as President for Fresenius Health Plans Insurance Company
(type of authority; e.g., officer, trustee, attorney in fact) (company name)



Elizabeth D. Scully
(Signature of the Notary)

ELIZABETH D. SCULLY
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known OR Produced Identification _____

Type of Identification Produced _____

My Commission Expires 9/28/29

COPIES FURNISHED TO:

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