



FILED

SEP 27 2023

INSURANCE REGULATION

Docketed by: 99

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 265467-20

CLINICAL WELLNESS NETWORK, LLC
_____ /

CONSENT ORDER

THIS CAUSE came on for consideration as the result of the FLORIDA OFFICE OF INSURANCE REGULATION'S ("OIR") Initial Order to Cease and Desist issued against CLINICAL WELLNESS NETWORK, LLC ("CWN") seeking to require CWN to cease and desist from engaging in the unauthorized and unlicensed operation of a multiple-employer welfare arrangement ("MEWA") in Florida. Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the OIR hereby finds as follows:

1. The OIR has jurisdiction over the subject matter and the parties herein.
2. CWN was a Florida-domiciled limited liability company that was established in 2017, with its principal address as 303 Burnt Pine Drive, Naples, Florida 34119.
3. Daniel Thompson was CWN's manager and registered agent.
4. Section 624.437(1), Florida Statutes, defines a MEWA as:

[A]n employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health insurance benefits or any other benefits described in s. 624.33, other than life insurance benefits, to the employees of two or more employers, or to their beneficiaries.

5. Section 624.437(2), Florida Statutes, states that no person shall operate a MEWA without a valid certificate of authority issued by OIR.

6. At all times material, OIR has not issued a certificate of authority to CWN to transact insurance or to operate or maintain a MEWA in the state of Florida.

7. CWN receives compensation for its network which comprises of health care providers who provide health care services to various companies' employees.

8. From November 2017 to March 2021, CWN contracted with 11 health care provider entities in Florida who provided health care services to employees of other companies in exchange for a monthly fee paid by CWN to the health care providers.

9. From November 2017 to March 2021, CWN contracted with 16 employers in Florida to enroll their employees as subscribers in CWN's network. CWN bills the employers monthly, which allows the subscribers to gain access to health care services.

10. Once employers are enrolled in CWN's network, CWN assigns a health care provider to the employers' employees.

11. On October 11, 2022, OIR issued an Initial Order to Cease and Desist against CWN for violating section 624.437(2), Florida Statutes, by operating or maintaining a MEWA in Florida without having a certificate of authority.

12. On October 27, 2022, OIR served the Initial Order to Cease and Desist on CWN.

13. On November 17, 2022, CWN filed a Petition for Formal Administrative Proceedings with OIR. The parties have agreed to a waiver of the statutory time period to refer the matter to the Division of Administrative Hearings.

14. OIR and CWN have conferred and agree that it is in their mutual best interest to resolve this proceeding on the terms set forth below without the need for further delay and the expense of a final administrative hearing.

15. Based on the mutual agreements and terms set forth below and other good and valuable consideration, the sufficiency of which the parties acknowledge by the signatures below, OIR and CWN agree as follows:

a. Within 45 days of the execution of this Consent Order, CWN shall:

- i. terminate all contracts that it has with all health care providers and employers pursuant to the arrangement described above; and
- ii. cease entering contracts with health care providers and employers pursuant to the arrangement described above.

b. OIR shall dismiss the above-styled matter with prejudice.

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

17. CWN additionally agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may be considered willful and subject CWN to appropriate penalties and fines.

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

19. CWN expressly waives a hearing in this matter, the making of findings of fact and conclusions of law by the OIR, and all further and other proceedings herein to which it may be

entitled by law or rules of the OIR. CWN 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.

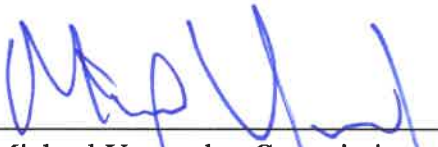
20. Each party to this action shall bear its own costs.

21. 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 CWN.

WHEREFORE, the agreement between CLINICAL WELLNESS NETWORK, LLC 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 27th day of September, 2023.



Michael Yaworsky, Commissioner
Office of Insurance Regulation

By execution hereof, CLINICAL WELLNESS NETWORK, LLC, 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 CLINICAL WELLNESS NETWORK, LLC, to the terms and conditions of this Consent Order.

CLINICAL WELLNESS NETWORK, LLC

By: [Signature]

[Corporate Seal]

Print Name: Daniel C. Thompson

Title: Manager

Date: 9/19/2023

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization, this 19th day of September 2023, by Daniel C. Thompson
(name of person)
as manager for Clinical Wellness Network, LLC
(type of authority; e.g., officer, trustee, attorney in fact) (company name)



[Signature]
(Signature of the Notary)

Patti L Giumentaro
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known _____ OR Produced Identification

Type of Identification Produced Florida Drivers License

My Commission Expires 12/20/2024

COPIES FURNISHED TO:

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Attestation of Dan Thompson

1. My name is Daniel Thompson and I have prepared this Attestation for the Florida Office of Insurance Regulation (“FLOIR”).
2. I am the sole Manager of Clinical Wellness Network II, LLC., a Delaware limited liability company registered as a foreign limited liability company in Florida (“CWN”).
3. CWN has cancelled, or is in the process of cancelling, all the contracts that were the subject of the October 11, 2022 Notice of Intent to Issue Cease and Desist issued by the FLOIR in case number 265467-20.
4. CWN is not currently offering any direct care contracts, or any similar contracts providing direct care benefits, in Florida.
5. CWN has no plans to offer, or to become a party to, any direct care contracts or similar contracts providing direct care benefits in Florida.

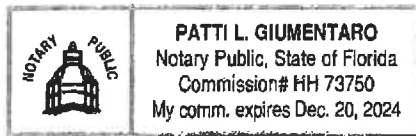
Dated this 19th day of September, 2023.

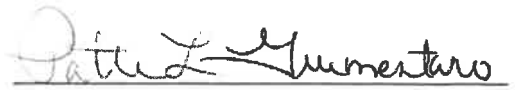

Daniel Thompson

STATE OF FLORIDA
COUNTY OF Collier

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 19th day of September, 2023, by Daniel Thompson.

(Seal)




Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally known: _____
OR Produced Identification: FLDL
Type of Identification Produced: FLDL