



**FILED**

**AUG 03 2023**

**INSURANCE REGULATION**

Docketed by:   *aj*  

**OFFICE OF INSURANCE REGULATION**

**MICHAEL YAWORSKY**  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 311419-23

GENERAL INSURANCE COMPANY OF AMERICA

CONSENT ORDER

THIS CAUSE came on for consideration as the result of GENERAL INSURANCE COMPANY OF AMERICA's ("GENERAL INSURANCE") failure to timely file its no claim submission Professional Liability Claims Report ("PLCR") with the FLORIDA OFFICE OF INSURANCE REGULATION ("OIR") as required by Section 627.912(1), Florida Statutes, and Rule 690-171.003, Florida Administrative Code. 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. GENERAL INSURANCE is an insurer authorized to transact business in Florida and subject to regulation by the OFFICE, pursuant to the Florida Insurance Code.

2. In March 2023, OIR issued a data call notice for professional liability claims reporting to each insurer or insurer group required to submit this data.

3. Insurers were required to file professional liability closed claim reports within 30 days after a claim resulted in a final judgment or a settlement; or file a no claim submission report by April 1, 2023, for the preceding calendar year.

4. Rule 69O-171.003, Florida Administrative Code, requires each insurer that issues professional liability insurance to a practitioner of medicine licensed pursuant to the provisions of chapter 458, F.S., to a practitioner of osteopathic medicine licensed pursuant to the provisions of chapter 459, F.S., to a podiatric physician licensed pursuant to the provisions of chapter 461, F.S., to a dentist licensed pursuant to the provisions of chapter 466, F.S., to a hospital licensed pursuant to the provisions of chapter 395, F.S., to crisis stabilization units licensed under part IV of chapter 394, F.S., to a health maintenance organization certified under part I of chapter 641, F.S., to clinics included in chapter 390, F.S., to an ambulatory surgical center as defined in section 395.002, F.S., or to a member of the Florida Bar, to file Form OIR-303, "Florida Medical Professional Liability Insurance Claims Report", or OIR-304 "Lawyers Professional Liability Closed Claim Reporting Form" with OIR if a claim resulted in a final judgment in any amount or settlement in any amount within 30 days following the final judgment or settlement.

5. GENERAL INSURANCE failed to timely file its 2022 no claims submission report with OIR, which was due on April 1, 2023.

6. On May 9, 2023, GENERAL INSURANCE filed its no claims submission report with OIR.

7. Section 624.4211(1), Florida Statutes, provides that if the 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, the OIR may, in lieu of such revocation or suspension, impose a fine upon the insurer.

8. The OIR finds that GENERAL INSURANCE has violated Section 627.912(1), Florida Statutes. The OIR deems the violation as non-willful warranting a fine in the amount of \$1,000 for the violation pursuant to Section 624.4211(2), Florida Statutes.

9. GENERAL INSURANCE agrees that within 10 days of the execution of this Consent Order, GENERAL INSURANCE shall pay an administrative fine in the amount of \$1,000 U.S. Dollars (“USD”) and administrative costs of \$1,000 USD to the OIR. GENERAL INSURANCE shall send its payment to the address reflected on the invoice attached hereto as “Exhibit A.”

10. 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.

11. GENERAL INSURANCE 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 the OIR suspending, revoking, or taking other administrative action as it deems appropriate upon GENERAL INSURANCE’s license in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

12. GENERAL INSURANCE 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 GENERAL INSURANCE to appropriate penalties and fines.

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

14. GENERAL INSURANCE 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. GENERAL INSURANCE 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 GENERAL INSURANCE.

WHEREFORE, the agreement between GENERAL INSURANCE COMPANY OF AMERICA 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 3rd day of August, 2023.



  
\_\_\_\_\_  
Michael Yaworsky, Commissioner  
Office of Insurance Regulation

By execution hereof, GENERAL INSURANCE COMPANY OF AMERICA, 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 GENERAL INSURANCE COMPANY OF AMERICA, to the terms and conditions of this Consent Order.

GENERAL INSURANCE COMPANY OF AMERICA

By: [Signature]

[Corporate Seal]

Print Name: Trina Goethals

Title: AO Regulatory Counsel

Date: July 31, 2023

STATE OF Ohio

COUNTY OF Delaware

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 31<sup>st</sup> day of July 2023, by Jeremiah Heck (name of person) as \_\_\_\_\_ for \_\_\_\_\_.

(type of authority; e.g., officer, trustee, attorney in fact)

(company name)



JEREMIAH E. HECK  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

[Signature]

(Signature of the Notary)

Jeremiah Heck  
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known  OR Produced Identification \_\_\_\_\_

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

My Commission Expires Does not expire.

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