

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, JANUARY 12, 2012

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COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

v.

CASE NO. INS-2011-00234

OPTIMUM CHOICE, INC.,

Defendant

SETTLEMENT ORDER

Based on an investigation conducted by the Bureau of Insurance, it is alleged that the Defendant, duly licensed by the State Corporation Commission ("Commission") to transact the business of a health maintenance organization in the Commonwealth of Virginia, in certain instances, has violated 14 VAC 5-211-90 B by failing to comply with copayment maximum recordkeeping and notification requirements.

The Commission is authorized by §§ 38.2-218, 38.2-219, and 38.2-4316 of the Code of Virginia to impose certain monetary penalties, issue cease and desist orders, and suspend or revoke the Defendant's license upon a finding by the Commission, after notice and opportunity to be heard, that the Defendant has committed the aforesaid alleged violations.

The Defendant has been advised of its right to a hearing in this matter, whereupon the Defendant, without admitting any violation of Virginia law, has made an offer of settlement to the Commission wherein the Defendant has tendered to the Commonwealth of Virginia the sum of Seven Thousand Five Hundred Dollars (\$7,500), waived its right to a hearing, and agreed to comply with the Corrective Action Plan for the time period of January 1, 2004, through August 1, 2011, as outlined in its settlement letter to the Bureau dated December 21, 2011.

Additionally, the Bureau of Insurance has reported to the Commission that the Defendant acted in good faith and proactively took prompt corrective action on this matter.

The Bureau of Insurance has recommended that the Commission accept the offer of settlement of the Defendant pursuant to the authority granted the Commission in § 12.1-15 of the Code of Virginia.

NOW THE COMMISSION, having considered the record herein, the offer of settlement of the Defendant, and the recommendation of the Bureau of Insurance, is of the opinion that the Defendant's offer should be accepted.

Accordingly, IT IS ORDERED THAT:

(1) The offer of the Defendant in settlement of the matter set forth herein be, and it is hereby, accepted; and

(2) The papers herein be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:
Melissa Delamartre, Regulatory Affairs Manager, Optimum Choice, Inc., 4316 Rice Lake Road, MN0152824, Duluth, Minnesota 55811; Carmel Colica, Vice President, Legal & Regulatory Affairs, UnitedHealthcare, 48 Monroe Turnpike, Trumbull, Connecticut 06611; and a copy shall be delivered to the Commission's Office of General Counsel and the Bureau of Insurance in care of Deputy Commissioner Althelia Battle.