

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 15, 2004

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

v.

CASE NO. INS-2004-00063

CAREFIRST BLUECHOICE, INC.,

Defendant

SETTLEMENT ORDER

Based on a market conduct examination performed by the Bureau of Insurance, it appears that Defendant, duly licensed by the Commission to transact the business of insurance as a health maintenance organization in the Commonwealth of Virginia, in certain instances, violated subsection 1 of § 38.2-502 and §§ 38.2-316 A, 38.2-316 B, 38.2-316 C, 38.2-503, 38.2-510 A 15, 38.2-1318 C, 38.2-1812 A, 38.2-1822 A, 38.2-1833 A 1, 38.2-1834 D, 38.2-3407.15 B 1, 38.2-3407.15 B 2, 38.2-3407.15 B 3, 38.2-3407.15 B 4, 38.2-3407.15 B 5, 38.2-3407.15 B 6, 38.2-3407.15 B 7, 38.2-3407.15 B 8, 38.2-3407.15 B 9, 38.2-3407.15 C, 38.2-3412.1:01, 38.2-3542 C, 38.2-4306.1, 38.2-4312 A, 38.2-4313, 38.2-5804 A, 38.2-5805 C 6, and 38.2-5805 C 10 of the Code of Virginia, as well as 14 VAC 5-90-50 A, 14 VAC 5-90-50 B, 14 VAC 5-90-60 A 2, 14 VAC 5-90-60 B 1, 14 VAC 5-90-170 A, 14 VAC 5-210-70 A 1 b, 14 VAC 5-210-70 B 2, 14 VAC 5-210-70 C 3, 14 VAC 5-210-90 B 1 b, and 14 VAC 5-210-110 A.

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 Defendant's license upon a finding by the Commission, after notice and opportunity to be heard, that Defendant has committed the aforesaid alleged violations.

Defendant has been advised of its right to a hearing in this matter, whereupon Defendant has made an offer of settlement to the Commission wherein Defendant has tendered to the

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Commonwealth of Virginia the sum of one hundred eighteen thousand dollars (\$118,000), waived its right to a hearing, and agreed to the entry by the Commission of a cease and desist order.

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

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

IT IS THEREFORE ORDERED THAT:

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

(2) Defendant cease and desist from any conduct which constitutes a violation of subsection 1 of § 38.2-502 or §§ 38.2-316 A, 38.2-316 B, 38.2-316 C, 38.2-503, 38.2-510 A 15, 38.2-1318 C, 38.2-1812 A, 38.2-1822 A, 38.2-1833 A 1, 38.2-1834 D, 38.2-3407.15 B 1, 38.2-3407.15 B 2, 38.2-3407.15 B 3, 38.2-3407.15 B 4, 38.2-3407.15 B 5, 38.2-3407.15 B 6, 38.2-3407.15 B 7, 38.2-3407.15 B 8, 38.2-3407.15 B 9, 38.2-3407.15 C, 38.2-3412.1:01, 38.2-3542 C, 38.2-4306.1, 38.2-4312 A, 38.2-4313, 38.2-5804 A, 38.2-5805 C 6, or 38.2-5805 C 10 of the Code of Virginia, or 14 VAC 5-90-50 A, 14 VAC 5-90-50 B, 14 VAC 5-90-60 A 2, 14 VAC 5-90-60 B 1, 14 VAC 5-90-170 A, 14 VAC 5-210-70 A 1 b, 14 VAC 5-210-70 B 2, 14 VAC 5-210-70 C 3, 14 VAC 5-210-90 B 1 b, or 14 VAC 5-210-110 A; and

(3) 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 Jimmy Riggs, Assistant General Auditor, CareFirst BlueChoice, Inc., 10455 Mill Run Circle, Owings Mills, Maryland 21117-5559; and the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky.