

STATE OF VERMONT  
DEPARTMENT OF BANKING, INSURANCE, SECURITIES  
AND HEALTH CARE ADMINISTRATION

IN RE:	)	
	)	
MVP HEALTH INSURANCE CO.,	)	
	)	DOCKET NO. 10-0098-H
MVP HEALTH INSURANCE	)	
COMPANY OF NEW HAMPSHIRE, INC.,	)	
	)	
MVP HEALTH PLAN, INC.,	)	
	)	
AND	)	
	)	
MVP SELECT CARE, INC.	)	

**STIPULATION AND CONSENT ORDER**

**NOW COME** the Department of Banking, Insurance, Securities and Health Care Administration of the State of Vermont ("Department"), Division of Health Care Administration ("Division") and MVP Health Insurance Company., MVP Health Insurance Company of New Hampshire, Inc., MVP Health Plan, Inc. and MVP Select Care, Inc. (collectively "MVP" or "Respondents" ) and hereby stipulate and agree as follows:

**WHEREAS**, pursuant to the authority in 18 V.S.A. § 9410(g) and Regulation H-2008-01, the Commissioner of the Department is charged with administering and enforcing the laws of the State of Vermont relating to the data reporting obligations of the Vermont Health Care Claims Uniform Reporting and Evaluation System ("VHCURES"); and,

**WHEREAS**, Respondents are "health insurers" per 18 V.S.A. § 9410(j)(1), are subject to the Commissioner's jurisdiction, and acknowledged same through registration with the Division as required by Sec. 4(A), Regulation H-2008-01; and,

**WHEREAS**, Respondents provides medical health insurance coverage and pharmaceutical insurance coverage or administrative services to thousands of Vermonters; and,

**WHEREAS**, Respondents possess pharmacy claims data, medical claims data and eligibility data relating to medical health care insurance coverage and pharmaceutical insurance coverage provided to Vermont residents or by Vermont health care providers or facilities; and

**WHEREAS**, Respondents repeatedly failed to submit timely and complete pharmacy claims files, medical claims data, and eligibility data files required of registrant pursuant to Regulation H-2008-01 for thousands of affected Vermonters otherwise due monthly for each of the months January through May, 2010 and in 2009; and,

**WHEREAS**, it is the position of the Division that every instance in which Respondents failed to submit a required data file constitutes a separate sanctionable violation of 18 V.S.A. § 9410 and Department Regulation H-2008-01; and,

**WHEREAS**, Respondents do not contest that filings were late and out of compliance with regulatory standards but are desirous of resolving allegations that they have violated 18 V.S.A. § 9410 and Regulation H-2008-01 without further cost or expense and without the necessity of administrative charges being filed; and,

**WHEREAS**, the Division acknowledges that Respondents have taken sufficient and significant steps to come into compliance with the data submission requirements of Regulation H-2008-01, all to the satisfaction of the Division; and,

**NOW THEREFORE**, in consideration of the mutual covenants contained herein, the Division and Respondents stipulate and agree as follows:

1. Respondents individually acknowledge the jurisdiction of the Department and consent to entry of this Stipulation and Consent Order in order to fully resolve the allegations of noncompliance with VHCURES filing requirements.
2. Respondents each shall pay an administrative penalty of Eighteen Thousand Seven Hundred Fifty (\$18,750.00) Dollars within thirty (30) days of the execution of this Stipulation and Consent Order, for a total of Seventy Five Thousand (\$75,000.00) Dollars.
3. The Division agrees that it will seek no further fine, sanction, punishment or other consequence with respect to Respondents' past failure to comply with Regulation H-2008-01 reporting and data submission requirements up to and including the date of full execution of this Consent Order. Respondents individually acknowledge that the Division will not be precluded in any manner from seeking to subject any Respondent to further sanction or administrative enforcement proceeding for any future violation of Vermont law and regulations.

4. Respondents' failure to tender the penalty within the time provided shall render this stipulation voidable at the election of the Division at which time the Division may proceed with an administrative action against Respondents.
5. Respondents each acknowledge and agree that this Stipulation is entered into freely and voluntarily and that, except as set forth herein, no promise was made to induce Respondents to enter into this Stipulation. Respondents acknowledge that each is and has been represented by counsel in this matter and, understanding that each is entitled to a hearing before the Commissioner or his designee if Administrative Charges are filed, hereby voluntarily waives those rights. Respondents further knowingly and voluntarily waive any right to judicial review by any court of these matters by way of suit, appeal or extraordinary relief resulting from entry of this Stipulation and Consent Order.
6. Respondents each consent to the entry of this Order and agree to be fully bound by its terms and conditions. Respondents further acknowledge that the Commissioner retains jurisdiction over this matter for the purpose of enforcing this order.
7. This Stipulation and Consent Order shall be governed by and construed under the law of the State of Vermont.
8. Each of the parties signing below represents that s/he has full authority to bind the entity on behalf of which s/he signs.

AGREED AND ACCEPTED:

**HEALTH CARE ADMINISTRATION DIVISION  
Vermont Department of Banking, Insurance,  
Securities and Health Care Administration**

By: Christine M Oliver Date: 10/4/10  
Christine Oliver, Deputy Commissioner

**MVP HEALTH INSURANCE COMPANY**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**MVP HEALTH INSURANCE COMPANY OF NEW HAMPSHIRE, INC.**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**MVP HEALTH PLAN, INC.**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**MVP SELECT CARE, INC.**

By: \_\_\_\_\_ Date: \_\_\_\_\_

AGREED AND ACCEPTED:

**HEALTH CARE ADMINISTRATION DIVISION  
Vermont Department of Banking, Insurance,  
Securities and Health Care Administration**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Christine Oliver, Deputy Commissioner

**MVP HEALTH INSURANCE COMPANY**

By: Denise V. Gonville Date: 10/4/10  
Executive Vice President Administrative Services and  
Chief Legal Officer

**MVP HEALTH INSURANCE COMPANY OF NEW HAMPSHIRE, INC.**

By: Denise V. Gonville Date: 10/4/10  
Executive Vice President Administrative Services and  
Chief Legal Officer

**MVP HEALTH PLAN, INC.**

By: Denise V. Gonville Date: 10/4/10  
Executive Vice President Administrative Services and  
Chief Legal Officer

**MVP SELECT CARE, INC.**

By: Denise V. Gonville Date: 10/4/10  
Executive Vice President Administrative Services and  
Chief Legal Officer, 5

**SO ORDERED.**

Dated at Montpelier, Vermont this 4 day of October, 2010.

  
MICHAEL BERTRAND, Commissioner  
Vermont Department of Banking, Insurance,  
Securities and Health Care Administration