

BEFORE THE DIVISION OF INSURANCE  
DEPARTMENT OF LABOR AND REGULATION  
STATE OF SOUTH DAKOTA

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IN THE MATTER OF )  
COVENTRY HEALTH & LIFE INS. CO. )                      CONSENT ORDER

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In resolution of the above matter and in lieu of issuance of a Notice of Hearing and a formal hearing, the undersigned parties do hereby agree to the following:

COVENTRY HEALTH & LIFE INS. CO., (“COVENTRY”) whose address of record is 8720-B Rockledge Dr. #700, Bethesda, MD 20817 holds a certificate of authority to do business in the State of South Dakota;

COVENTRY is aware that the South Dakota Division of Insurance (“Division”) has conducted an investigation into their business activity in South Dakota;

The Division alleges the following:

- 1) COVENTRY failed to timely remit their Fraud Prevention Unit Fund Assessment Fee, a violation of SDCL § 58-4A-14;
- 2) COVENTRY failed to respond to the Divisions inquiries within in 20 days, a violation of SDCL §§ 58-33-66(1) and 58-33-68;
- 3) The above-cited conduct may be grounds for the revocation or suspension of COVENTRY’s certificate of authority pursuant to SDCL §§ 58-6-46, 58-4A-14, 58-33-66(1) and 58-33-68;

COVENTRY is aware of and understands the nature of the allegations and has been informed that it has the right to a Notice of Hearing, counsel, and appeal; and that by agreeing to sign this Consent Order, waives these rights;

In return for COVENTRY agreeing to and complying with the provisions of this Consent Order, the Division agrees not to proceed to administrative hearing and agrees that this Consent Order will constitute an informal disposition of the above allegations;

By the execution of this Consent Order and the payment of a penalty pursuant to this Consent Order, COVENTRY waives its right to contest the allegations contained in this Consent Order in any future actions or licensing procedures with the Division;

COVENTRY agrees to pay a monetary penalty of \$2,500 pursuant to SDCL §§ 58-6-46 and 58-4-28.1, in lieu of an administrative hearing and Final Decision;

COVENTRY further agrees to conduct itself in accordance with the insurance laws and regulations of the State of South Dakota;

COVENTRY further agrees that this Consent Order may be considered for the purpose of determining the appropriate sanction in any future actions with the Division for any violations of the laws or regulations of the State of South Dakota or for failing to abide by any order of the Director;


Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that COVENTRY pay a monetary penalty in the amount of \$2,500 payable to "South Dakota Division of Insurance" for deposit in the general fund of the State of South Dakota; and it is further

ORDERED that COVENTRY abide by the agreements made in this Consent Order; and it is further

ORDERED that the use of this Consent Order for competitive purposes by an insurance agent or third-party administrator holding a license in the State of South Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority; and it is further

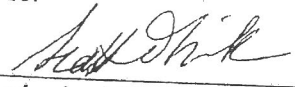
ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated at Pierre, South Dakota this 20<sup>th</sup> day of November, 2018.

  
Larry Deiter, Director  
South Dakota Division of Insurance

The undersigned, on behalf of COVENTRY, represents that the company understands the terms of this Consent Order and the waiver of its due process rights and that it voluntarily enters into this Consent Order.

Dated this 12th day of November, 2018.

  
Signature of Authorized Representative

Scott D. Miller  
Printed Name

Corporate Controller  
Title