

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

IN THE MATTER OF
HEALTHGRAM, INC.

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CONSENT ORDER

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:

HEALTHGRAM, INC., ("HEALTHGRAM") whose mailing address of record is 8731 RED OAK BOULEVARD, CHARLOTTE, NC 28217, has submitted a third-party administrator ("TPA") registration application in the State of South Dakota;

HEALTHGRAM is aware the South Dakota Division of Insurance ("Division") has conducted an investigation into their application and business-related activities;

The South Dakota Division of Insurance alleges the following with regards to HEALTHGRAM:

- 1) HEALTHGRAM has operated as a servicer of plans established pursuant to the Employee Retirement Income Security Act of 1974, as amended without being registered with the Division, in violation of SDCL §§ 58-29D-27;
- 2) Pursuant to SDCL §§ 58-29D-27, and 58-29D-31, the Director of the Division of Insurance may deny HEALTHGRAM's registration application for the above cited conduct.

HEALTHGRAM 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;

By execution of this Consent Order, HEALTHGRAM neither admits nor denies any violations of the laws of the state of South Dakota, but waives its right to contest the allegations contained in this Consent Order;

In return for HEALTHGRAM agreeing to and complying with the provisions of this Consent Order, the Division agrees not to proceed with the denial of HEALTHGRAM's application and subsequent administrative hearing and agrees that this Consent Order will constitute an informal and complete disposition of this licensing matter and the prior period of non-licensure pursuant to SDCL § 1-26-20;

HEALTHGRAM agrees to pay \$10,000 pursuant to SDCL §§ 58-4-28.1 and 58-29D-33, and, in lieu of an application denial, administrative hearing, and Final Decision;

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

HEALTHGRAM 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;

HEALTHGRAM waives its right to contest the allegations contained in this Consent Order in any future actions or licensing procedures;

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that HEALTHGRAM pay a monetary penalty in the amount of \$10,000 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 HEALTHGRAM abide by the agreements made by it in this Consent Order; and it is further

ORDERED the third-party administrator registration application from HEALTHGRAM is approved as of the effective date of 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 21st day of March, 2022.



Larry Deiter, Director
South Dakota Division of Insurance

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

Dated this 11th day of March, 2022.

/s/ James E. Griffin, III ("Tripp")
Signature of Authorized Representative
James E. Griffin, III ("Tripp")
Printed Name
Chief Compliance Officer
Title