



NEW YORK STATE
DEPARTMENT OF FINANCIAL SERVICES
25 BEAVER STREET
NEW YORK, NEW YORK 10004

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In the Matter of

MVP HEALTH PLAN, INC and
MVP HEALTH INSURANCE COMPANY,

STIPULATION
No. 2012-0034-S

Respondents.

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WHEREAS, Respondent MVP Health Plan, Inc. is a domestic health maintenance organization authorized pursuant to Article 44 of the New York Public Health Law and Respondent MVP Health Insurance Company is a domestic accident and health insurance company authorized to do business in this state pursuant to Article 42 of the New York Insurance Law ("Insurance Law"); and

WHEREAS, an examination of Respondents conducted by the New York State Insurance Department for the period January, 2008 through December, 2009, has revealed certain violations of the Insurance Law and/or Regulations regarding insurers' obligations to notify contract holders of the availability of certain mental health benefits under "Timothy's Law" (Chapter 748 of the Laws of 2006, as amended by Chapter 502 of the Laws of 2007); and

WHEREAS, Respondents have been advised and are aware of their statutory right to notice and a hearing on any such violations; and

WHEREAS, Respondents wish to resolve this matter by entering into a Stipulation with the New York State Department of Financial Services ("Department") on the terms and conditions hereinafter set forth in lieu of proceeding with a hearing; **NOW THEREFORE**,

IT IS HEREBY STIPULATED AND AGREED by and between the Respondents and the Department, subject to the approval of the Superintendent of Financial Services, as follows:

1. Respondents waive their right to further notice and a hearing in this matter and admit that during calendar years 2008 and 2009, Respondent MVP Health Plan, Inc. violated Sections 4303(g)(4)(A) and 4303(h)(4)(A) of the Insurance Law and Respondent MVP Health Insurance Company violated Section 3221(l)(5)(D)(i) of the Insurance Law by failing to provide written notice to their group contract holders of the

availability of coverage for adults and children with biologically based mental illness and for children with serious emotional disturbances.

2. Respondents state in mitigation that the above violations were not the result of any company policy to evade the requirements of the Insurance Law.

3. Respondent MVP Health Plan, Inc. consents to the imposition of a civil penalty in the amount of One Hundred Twenty-Eight Thousand Four Hundred Twenty Dollars (\$128,420.00), and MVP Health Insurance Company consents to the imposition of a civil penalty in the amount of Sixty-Three Thousand Three Hundred Dollars (\$63,300.00), for a total penalty of One Hundred Ninety-One Thousand Seven Hundred Twenty Dollars (\$191,720.00), receipt of which is hereby acknowledged, in lieu of any other disciplinary action which could be taken by the Department in consequence of the foregoing.

4. Respondents agree to take all steps necessary to prevent the recurrence of similar violations in the future.

5. Respondents acknowledge that this Stipulation and any admissions herein contained may be used against them in any future proceeding if there is reason to believe the terms of the Stipulation have been violated by Respondents, or if the Department institutes disciplinary action against a Respondent for any reason other than the specific acts considered herein.

Dated: New York, New York
Feb. 27, 2012

NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES

By: Beth Cohen
Beth Cohen
Associate Attorney

MVP HEALTH PLAN, INC.

By: Mark A. Fish
Name: Mark A. Fish
Title: EVP/CFO

MVP HEALTH INSURANCE COMPANY

By: Mark A. Fish
Name: Mark A. Fish
Title: EVP/CFO

STATE OF New York)
) ss.:
COUNTY OF Schenectady)

On the 17th day of February 2012, before me personally came Mark A. Fish, to me known, who, being duly sworn, did depose and say that he/she resides at 625 State St, Schen, NY; that he/she is the EUP/CEO of MVP Health Plan, Inc., the corporation described in and which executed the foregoing instrument; and he/she signed his/her name thereto by order of the board of directors of the corporation.

Michele V. Kazala
Notary Public
MICHELE V. KAZALA
Notary Public, State of New York
No. 01KA6051259
Qualified in Montgomery County
Commission Expires Nov. 20, 2014

STATE OF New York)
) ss.:
COUNTY OF Schenectady)

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MICHELE V. KAZALA
Notary Public, State of New York
No. 01KA6051259
Qualified in Montgomery County
Commission Expires Nov. 20, 2014

Michele V. Kazala
Notary Public

THE FOREGOING STIPULATION IS HEREBY APPROVED.

Dated: New York, New York
February 28, 2012

BENJAMIN M. LAWSKY
Superintendent of Financial Services

By: Martha A. Lees
Martha A. Lees
Deputy Superintendent & General Counsel-Insurance