



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

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In the Matter of

**ROCHESTER AREA HEALTH
MAINTENANCE ORGANIZATION, INC.,**

**STIPULATION
No. 2012-0035-S**

Respondent.
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WHEREAS, Respondent Rochester Area Health Maintenance Organization, Inc. was a domestic health maintenance organization authorized pursuant to Article 44 of the New York Public Health Law prior to its merger with MVP Health Plan, Inc.; and

WHEREAS, an examination of Respondent conducted by the New York State Insurance Department for the period January, 2008 through December, 2009 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, Respondent has been advised and is aware of its right to notice and a hearing on said violations; and

WHEREAS, Respondent wishes 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 Respondent and the Department, subject to the approval of the Superintendent of Financial Services, as follows:

1. Respondent waives its right to further notice and a hearing in this matter and admits that during calendar years 2008 and 2009, it violated Sections 4303(g)(4)(A) and 4303(h)(4)(A) of the Insurance Law by failing to provide written notice to its 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. Respondent states in mitigation that the above violations were not the result of any conscious company policy to evade the requirements of the Insurance Law and Regulations.

3. In lieu of any other disciplinary action which could be taken by the Department in consequence of the foregoing, Respondent consents to the imposition of a civil penalty in the sum of Twenty-Three Thousand Nine Hundred Ten Dollars (\$23,910.00), receipt of which is hereby acknowledged.

4. Respondent agrees to take all steps necessary to prevent the recurrence of similar violations in the future.

5. Respondent acknowledges that this Stipulation, and any admission contained herein, may be used against it in any future proceeding if there is reason to believe the terms of the Stipulation have been violated by Respondent, or if the Department institutes disciplinary action against 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. as successor to
ROCHESTER AREA HEALTH MAINTENANCE ORGANIZATION, INC.

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

STATE OF NEW YORK)
)ss.:
COUNTY OF Schenectady)

On the 27th 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, Schenectady, NY; that he/she is the EVP/CFO 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, 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, NY

February 28, 2012

BENJAMIN M. LAWSKY
Superintendent of Financial Services

By:

Martha A. Lees

Martha A. Lees

Deputy Superintendent & General Counsel-Insurance