



FILED

MAY 28 2009

OFFICE OF
INSURANCE REGULATION

Docketed by: FT

OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY
COMMISSIONER

IN THE MATTER OF:

TROPICAL MEDICAL PLAN, INC.

CASE NO.: 103801-09

and

CARLOS MIRANDA

ORDER TO CEASE AND DESIST

TO:

TROPICAL MEDICAL PLAN, INC.
c/o Carlos Miranda, President
4000 Ponce De Leon Blvd., Suite 470
Coral Gables, FL 33146

YOU ARE HEREBY NOTIFIED that pursuant to the Florida Insurance Code including but not limited to Sections 624.307, 626.901, 626.910, 626.9571, 626.9581, 626.9581, 626.9601, 636.204, 636.206, 636.223, 636.244, and 120.569 Florida Statutes, the State of Florida, Office of Insurance has caused an investigation to be made of the insurance-related activities of Tropical Medical Plan, Inc. (hereinafter "TROPICAL MEDICAL") and has information that the aforementioned company has been doing business as a discounted medical plan organization in and from the State of Florida without holding a license to operate as a discount medical plan organization in and/or from Florida. Accordingly, the Office of Insurance Regulation (hereinafter "OFFICE") intends to enter a Final Order requiring the above-referenced party to

cease and desist from engaging in the business of a discount medical plan organization in the State of Florida pursuant to §626.901(5), Florida Statutes and requiring the payment of fines, pursuant to §626.910, Florida Statutes.

As a result of its investigation and as grounds for entry of this Order, the OFFICE hereby finds and alleges as follows:

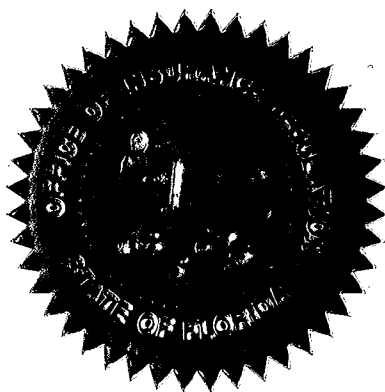
1. The Florida Office of Insurance Regulation has jurisdiction over the subject matter hereof and the parties hereto.
2. Pursuant to §636.204, Florida Statutes, any entity desiring to do business in the State of Florida must be licensed by the OFFICE as a discount medical plan organization prior to doing business.
3. TROPICAL MEDICAL doing business as Medidocs was investigated by the OFFICE in 2005 and the OFFICE informed the President, Carlos Miranda, that he could not operate a discount medical plan organization without first being licensed by the OFFICE.
4. TROPICAL MEDICAL is not currently licensed by the OFFICE to operate as a discount medical plan organization, nor has TROPICAL MEDICAL ever filed an application with the OFFICE or sought to be licensed.
5. §636.202, Florida Statutes provides, in pertinent part, the following definitions:
 - a. “discount medical plan” means a business arrangement or contract in which a person, in exchange for fees, dues, charges, or other consideration, provides access for plan members to providers of medical services and the right to receive medical services from those providers at a discount.
 - b. “discount medical plan organization” means an entity which in exchange for fees, dues, charges or other consideration, provides access for plan members to providers of medical services and the right to receive medical services from those providers at a discount

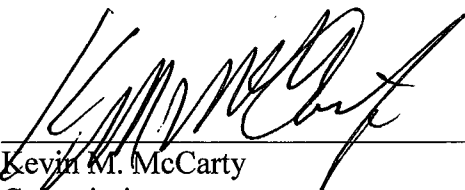
6. TROPICAL MEDICAL maintains a website that advertises itself as a discount medical plan organization. They offer a variety of membership options that, for a fee, offer various medical services through a provider within their network at a discounted rate to plan members.

7. The OFFICE finds that TROPICAL MEDICAL is a discount medical plan organization that is operating in the State of Florida without a license from the OFFICE in violation of §636.204, Florida Statutes.

WHEREFORE, pursuant to the Florida Insurance Code and other applicable statutes, the OFFICE finds that because TROPICAL MEDICAL has been operating as a discount medical plan organization in the State of Florida in violation of §636.204, Florida Statutes, the OFFICE intends to both enter a Final Order to Cease and Desist, prohibiting the operation of any discount medical plan without being licensed, and to fine TROPICAL MEDICAL for the violations enumerated herein pursuant to Chapter 626, Florida Statutes.

DONE and ORDERED this 28th day of May, 2009.





Kevin M. McCarty
Commissioner
Office of Insurance Regulation

NOTICE OF RIGHTS

Pursuant to Sections 120.569 and 120.57, Florida Statutes and Rule Chapter 28-106, Florida Administrative Code (F.A.C.), you may have a right to request a proceeding to contest this action by the Office of Insurance Regulation (hereinafter the "Office"). You may request a proceeding by filing a Petition. Your Petition for a proceeding must be in writing and must be filed with the General Counsel acting as the Agency Clerk, Office of Insurance Regulation. If served by U.S. Mail the Petition should be addressed to the Florida Office of Insurance Regulation at 612 Larson Building, Tallahassee, Florida 32399-4206. If Express Mail or hand-delivery is utilized, the Petition should be delivered to 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300. The written Petition must be received by, and filed in the Office no later than 5:00 p.m. on the twenty-first (21) day after your receipt of this notice. Unless your Petition challenging this action is received by the Office within twenty-one (21) days from the date of the receipt of this notice, the right to a proceeding shall be deemed waived. Mailing the response on the twenty-first day will not preserve your right to a hearing.

If a proceeding is requested and there is no dispute of material fact the provisions of Section 120.57(2), Florida Statutes may apply. In this regard you may submit oral or written evidence in opposition to the action taken by this agency or a written statement challenging the grounds upon which the agency has relied. While a hearing is normally not required in the absence of a dispute of fact, if you feel that a hearing is necessary one may be conducted in Tallahassee, Florida or by telephonic conference call upon your request.

If you dispute material facts which are the basis for this agency's action you may request a formal adversarial proceeding pursuant to Sections 120.569 and 120.57(1), Florida Statutes. If you request this type of proceeding, the request must comply with all of the requirements of Rule Chapter 28-106.2015, F.A.C., including but not limited to:

- a) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so state; and
- b) A statement of when the respondent received notice of the agency's action.

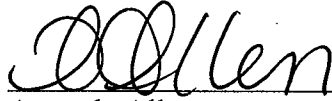
These proceedings are held before a State Administrative Law Judge of the Division of Administrative Hearings. Unless the majority of witnesses are located elsewhere, the Office will request that the hearing be conducted in Tallahassee.

In some instances, you may have additional statutory rights than the ones described herein.

Failure to follow the procedure outlined with regard to your response to this notice may result in the request being denied. Any request for administrative proceeding received prior to the date of this notice shall be deemed abandoned unless timely renewed in compliance with the guidelines as set out above.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order to Cease and Desist has been sent via certified mail to Carlos Miranda, 4000 Ponce De Leon Blvd., Suite 470, Coral Gables, FL 33146 this 2nd day of June, 2009.



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