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OFFICE OF
INSURANCE REGULATION

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OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 186449-16-CO

HUMANA MEDICAL PLAN, INC.
_____ /

CONSENT ORDER

THIS CAUSE came on for consideration as a result of a market conduct examination of HUMANA MEDICAL PLAN, INC. ("Humana") by the OFFICE OF INSURANCE REGULATION ("Office") pursuant to Chapter 641, Florida Statutes. Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the parties agree as follows:

1. The Office has jurisdiction over the subject matter of and the parties to this proceeding.
2. Humana is a domestic corporation with a home address of 3501 SW 160th Avenue, Miramar, Florida 33017. Humana is currently authorized by the Office to conduct business as a health maintenance organization in the state of Florida. Humana is wholly owned by Humana, Inc., a Louisville, Kentucky corporation.
3. On May 29, 2014, the National Health Law Program and the AIDS Institute filed a complaint with the Office for Civil Rights at the United States Department of Health and Human Services alleging that four Florida health insurance issuers violated provisions of the Patient Protection and Affordable Care Act and federal civil rights laws by structuring their

prescription drug policies in a way that discouraged people living with the human immunodeficiency virus infection or the acquired immune deficiency syndrome (“HIV/AIDS”) from selecting their plans. The complaint alleged specifically that Humana placed all its HIV/AIDS medications on the highest cost-sharing drug tier.

4. On August 20, 2014, in an effort to investigate the allegations, the Office issued an examination notice to Humana and the other companies listed in the complaint notifying them of an impending market conduct examination. This Consent Order is a result of the examination. Humana denies any allegation that its classification of drugs unfairly discriminated or that its plan violated the Florida Insurance Code, Federal statutes, or the Code of Federal Regulations, and further denies all of the allegations in the administrative complaint filed with the Office of Civil Rights. However, to avoid litigation, and maintain its commitment to customers, facilitate access to medication in compliance with Florida law, and assure its commitment to cooperate with future market conduct examinations, Humana agrees to the following terms and conditions.

5. Humana agrees to continue to maintain procedures to ensure that it does not by effect or design treat those living with HIV/AIDS less favorably than any other condition.

6. Humana acknowledges that Market Conduct Examinations and Investigations performed by the Office pursuant to Florida law are not civil actions. Florida law vests broad power and authority with the Office to investigate insurance-related matters as it may deem proper to determine whether an entity has violated a provision of the Florida Insurance Code within the Office’s regulatory jurisdiction.

7. Humana acknowledges that as a condition of licensure, every entity being examined or investigated, and its officers, attorneys, employees, agents, and representatives, shall make freely available to the Office or its examiners or investigators, the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the

subject of the examination or investigation pursuant to Sections 641.27 and 624.318, Florida Statutes, and other applicable provisions of the Insurance Code.

8. Humana agrees to establish an independent market conduct examination and investigation compliance program separate and apart from its litigation department. The program shall be completed and implemented no later than July 1, 2016. Humana shall forward a certification evidencing compliance with this paragraph. Said certification shall be submitted to the Office via electronic mail and directed to the attention of the Assistant General Counsel representing the Office in this matter and as named in this Consent Order.

9. Humana agrees that in the event the Office conducts market conduct examinations or investigations of Humana in the future, Humana will fully cooperate. In doing so, the examination or investigation will not be treated as a litigation matter and Humana will make freely available to the Office or its examiners or investigators, the accounts, records, documents, files, information, assets, and matters in its possession or control relating to the subject of the examination or investigation pursuant to Section 641.27 and 624.318, Florida Statutes.

10. Humana agrees to pay a penalty in the amount of five hundred thousand U.S. Dollars (\$500,000.00) and administrative costs in the amount of three thousand U.S. Dollars (\$3,000.00) on or before the thirtieth (30th) day after which this Consent Order is executed.

11. Humana acknowledges that all representations and requirements set forth in this Consent Order are material to the issuance of this Consent Order. Violation of any part of this Consent Order shall constitute a violation of a lawful order of the Office and may subject Humana to one or more of the administrative remedies available under the Florida Insurance Code or other applicable law.

12. Humana expressly waives its right to a hearing in this matter, the making of Findings of Fact and/or Conclusions of Law by the Office, and all further and other proceedings

herein to which the parties may be entitled by law or rules of the Office. Humana hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order, in any forum now or in the future available to it, including the right to any administrative proceeding, circuit or federal court action, or any appeal.

13. The parties agree that this Consent Order shall be deemed to be executed when the Office has executed a copy of this Consent Order bearing the signatures of Humana and/or its authorized representative under the seal of a notary public, notwithstanding the fact that the copy may have been transmitted to the Office electronically.

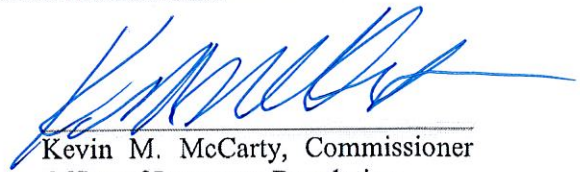
14. Each party to this action shall bear its own costs and attorney's fees, except as otherwise provided

WHEREFORE, the Target Market Conduct Examination of August 20, 2014, is hereby closed subject to the terms and conditions contained herein.

FURTHER, all such terms and conditions are hereby ORDERED.

DONE and ORDERED this 16TH day of FEBRUARY, 2016.




Kevin M. McCarty, Commissioner
Office of Insurance Regulation

By execution hereof, HUMANA MEDICAL PLAN, INC. consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions and shall be bound by all provisions herein. The undersigned represents that he/she has the authority to bind HUMANA MEDICAL PLAN, INC. to the terms and conditions of this Consent Order.

HUMANA MEDICAL PLAN, INC.

By: Debra A Oberman

Corporate Seal

Name: Debra A. Oberman
(Please type or print)

Title: Vice President, Corporate Affairs

Date: February 12, 2016

The foregoing instrument was acknowledged before me this 12th day of February 2016,

by Debra A. Oberman as Vice President, Corporate Affairs
(name of person) (type of authority e.g. officer, trustee attorney in fact)

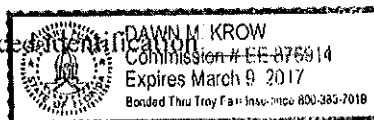
for Humana Medical Plan, Inc.
(company name)

Dawn M. Krow
(Signature of the Notary)

Dawn M. Krow
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known OR Produced Identification

Type of Identification Produced _____



COPIES FURNISHED TO:

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