

STATE OF NORTH DAKOTA

BEFORE THE COMMISSIONER OF INSURANCE

In the Matter of )  
)  
Conseco Senior Health Insurance )  
Company, )  
FEIN 23-0704970, )  
)  
Respondent. )

CONSENT ORDER

Commissioner of Insurance Jim Poolman (hereinafter "Commissioner") has determined as follows:

1. The Commissioner has authority in this matter pursuant to N.D. Cent. Code Title 26.1 and N.D. Cent. Code § 28-32-05.1.
2. Conseco Senior Health Insurance Company, FEIN 23-0704970 (hereinafter "Respondent"), is a foreign insurance company domiciled in Pennsylvania and licensed to do business in North Dakota pursuant to N.D. Cent. Code Chapter 26.1-11.
3. The Commissioner has jurisdiction over the Respondent and the subject matter of this Consent Order is made in the public interest.
4. On or about October 17, 1995, Respondent delivered Policy Form ATL-LTC-1(ND) to North Dakota resident Nordis Lindholm that did not include the reinstatement provisions required by N.D. Admin. Code § 45-06-05-04.1(2), which became effective July 1, 1994.
5. Respondent's delivery of the referenced form violates N.D. Admin. Code § 45-06-05-04.1(2).

6. The Commissioner has considered scheduling a formal hearing to determine whether Respondent's conduct, as alleged, constitutes a basis for imposition of civil penalty, or any action that the Commissioner deems necessary.

7. As a result of the above violation, under N.D. Cent. Code § 26.1-01-03.1 Respondent is subject to payment of an administrative monetary penalty of up to \$10,000.

8. Respondent has agreed to an informal disposition of this matter, without a hearing, as provided under N.D. Cent. Code § 28-32-05.1.

9. For purposes of resolving this matter, without further administrative proceedings, Respondent and the Commissioner have agreed to enter the following Order:

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent is assessed a monetary penalty in the amount of \$5,000 which shall be paid within 15 days of the execution of this Order.

2. Respondent shall, within 30 days of the execution of this Order, issue an addendum which incorporates the current provisions of ND Admin. Code § 45-06-05-04.1(2) in all policies sold in North Dakota between the time period of July 1, 1994, through the present which contain the inaccurate provisions.

3. The use of this Consent Order for competitive purposes by an insurance agent or agency holding a license in the State of North 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.

DATED this 30<sup>th</sup> day of May, 2001.

  
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Jim Poolman  
Commissioner of Insurance  
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, Michael A. Colliflower, on behalf of **Conseco Senior Health Insurance Company**, states that he/she has read the foregoing Consent Order, that he/she knows and fully understands its contents and effect; that he/she has been advised of his/her right to be represented by legal counsel, his/her right to a hearing in this matter, his/her right to present evidence and arguments to the Commissioner, and his/her right to appeal from an adverse determination after hearing; and that by the signing of this Consent to Entry of Order he/she waives those rights in their entirety, and consents to entry of this Order by the Commissioner of Insurance. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements, either expressed or implied.

DATED this 21<sup>ST</sup> day of May, 2001.

Conseco Senior Health Insurance Company

By: Michael A. Colliflower  
Name  
Senior Vice President  
Title

Subscribed and sworn to before me

this 21 day of May, 2001.

Carol S. Thompson  
Notary Public

My commission expires:  
8-1-2001

**CAROL S. THOMPSON**  
Notary Public, State of Indiana  
County of Hancock  
My Commission Expires: 8/1/2001