

BEFORE JAMES A. DODRILL, INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA

In the Matter of:

BUCKEYE COMMUNITY HEALTH PLAN, INC. (NAIC #11834)

Administrative Proceeding: 20-AP-FINCON-02018

ORDER ASSESSING CIVIL PENALTIES

The undersigned, James A. Dodrill, is the Insurance Commissioner (“Commissioner”) of the State of West Virginia, Offices of the Insurance Commissioner (“OIC”), and is charged with enforcing Chapter 33 of the *West Virginia Code*. Buckeye Community Health Plan, Inc. (“BCHP”), an Ohio domiciled insurance company, is licensed to transact the business of accident and sickness as a Health Maintenance Organization in the State of West Virginia, pursuant to *West Virginia Code* §§33-25A-1 through 33-25A-36, under a Certificate of Authority issued by the Insurance Commissioner. BCHP is subject to licensing under Article 25A, Chapter 33 of the *West Virginia Code*, related legislative rules and the authority of the Commissioner, as a foreign insurance company.

BCHP failed to submit a complete renewal application with supporting documents prior to the Certificate of Authority’s expiration as required by *West Virginia Code* §33-25A-3a. The application does not include:

- Certificate of Compliance issued by state of domicile, *West Virginia Code* §§ 33-25A-3(n).
- Certificate of Deposit issued by state of domicile or jurisdiction where their statutory deposit is held, *West Virginia Code* § 33-25A-4(2)(h).

The aforementioned fee(s) and required documentation were required to be submitted to the WVOIC no later than March 1, 2020. The filings were to be submitted to the WVOIC via the System

for Electronic Rates and Forms Filing (SERFF). Notices were sent to all licensed insurers regarding this requirement on December 18, 2019 and February 3, 2020.

West Virginia Code §33-25A-3a requires all insurers to submit a complete renewal application with supporting documents prior to the Certificate of Authority's expiration **by May 31 of each year**. To date, BCHP has not filed its complete renewal application which was heretofore due by May 31, 2020.

BCHP operated as an unlicensed insurer in the State of West Virginia from the expiration of its Certificate of Authority on May 31, 2020, until the renewal date in violation of *West Virginia Code* §§33-44-1 through 13.

The WVOIC emailed BCHP on March 18, 2020, and April 9, 2020, informing the company of its failure to file the required documentation to renew its Certificate of Authority ("COA").

West Virginia Code §33-25A-18(1) provides that the Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization under Article 25A if he or she finds that any of the specified conditions exist. However, *West Virginia Code* §33-25A-23(1) provides that, in lieu of taking action under *West Virginia Code* §33-25A-18, the Commissioner may levy an administrative penalty in an amount not less than One Hundred Dollars (\$100) nor more than Five Thousand Dollars (\$5000).

The Commissioner hereby finds and concludes that BCHP violated *West Virginia Code* §33-25A-3a by failing to renew its Certificate of Authority, by not filing a complete application and by continuing to transact insurance in the State of West Virginia as an unlicensed insurer.

It is, therefore, **ORDERED** that a civil penalty in the amount of Three Thousand Dollars (\$3,000.00) be, and it is, hereby, assessed against BCHP, for its violations as aforesaid. It is further

ORDERED that the civil penalty, totaling Three Thousand Dollars (\$3,000.00), shall be paid within 30 days after notice of this Order.

ENTERED this 25th day of June, 2020.



James A. Dodrill
Insurance Commissioner