



**THE STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT**

21 SOUTH FRUIT STREET SUITE 14  
CONCORD, NEW HAMPSHIRE 03301

Roger A. Sevigny  
Commissioner

Alexander K. Feldvebel  
Deputy Commissioner

***STATE of NEW HAMPSHIRE  
INSURANCE DEPARTMENT***

**FINAL ORDER on HEARING**

**In Re: Premier Health Care**

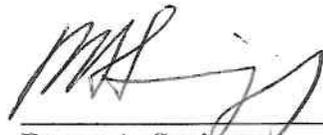
**Docket No.: Ins 10-026-EP**

**Pursuant to the provisions of Ins 204.26(a)(4), the Proposed Order on Hearing issued on June 24, 2010 by Hearing Officer Deborah L. Stone is hereby ACCEPTED as a FINAL ORDER and DECISION.**

This is the final action of the Department. You have the right to request reconsideration of this final action within 30 days in accordance with RSA 541.

**So ORDERED,**

**Date: August 9, 2010**

  
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Roger A. Sevigny

## PROPOSED ORDER ON HEARING

In the Matter of:  
**Premier Health Care**

Docket No.  
**INS No. 10-026-EP**

### I. BACKGROUND

1. A Hearing was held on Tuesday, June 22 at 10:00am at the New Hampshire Insurance Department ("Department") pursuant to a **Cease and Desist Order and Notice of Hearing** dated June 9, 2010 and signed by Commissioner Roger Sevigny. This document was sent by US Mail on June 10, 2010 to Premier Health Care at the address shown on correspondence between Premier Health Care and at least one NH consumer. Mr. Richard P. McCaffrey appeared for the Department as Staff Advocate.
2. The Hearing was held pursuant to the Commissioner's authority under New Hampshire Revised Statutes Annotated ("RSA") 400-A:3.
3. No representative of Premier Health Care appeared at the Hearing. Further, no testimony or correspondence of any kind was received from any individual representing Premier Health Care in regard to the Hearing or Cease & Desist Order.
4. A Cease and Desist order had previously been issued with regard to business being transacted in New Hampshire by American Trade Association, purporting to offer health coverage to consumers in the state.
5. The Department received information that other entities were 'assuming' the business originally written by American Trade Association. The Department obtained a list of NH customers of American Trade Association and sent correspondence to them. Subsequently the Department heard from at least two consumers who had received letters explaining that their 'coverage' was being assumed and would now be provided by Premier Health Care.

### II. FINDINGS OF FACT

6. Several items were introduced as exhibits by Mr. McCaffrey, appearing as staff advocate for the Department. These include:
  - (i) **Exhibit 1:** A letter from Premier Health Care to a NH consumer, explaining that 'coverage' under American Trade Association was being replaced with the new company providing benefits.
  - (ii) **Exhibit 2:** The original Order & Notice of Hearing which had been mailed to Premier Health Care as referenced in item I.1 and was returned to the Department on June 17, 2010 as undeliverable. The envelope is marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward".
  - (iii) **Exhibits 3 & 4:** Two letters to NH consumers, identical in wording to Exhibit 1 and with the same contact information, but purportedly sent from a company called Health America.
  - (iv) **Exhibit 5:** A "Welcome Kit" from American Trade Association including material that appears to be insuring agreements for health coverage, identification cards, claim forms

and other documentation of the coverage. The letter referenced as Exhibit 1 states that "... your health benefits will remain the same as they were with ATA."

- (v) **Exhibit 6:** A copy of a fax solicitation for "Affordable Healthcare Plans."
  - (vi) **Exhibit 7:** A flyer/solicitation from Premier Health Care offering, among other things, "affordable, flexible, no-hassle health coverage for ALL!"
7. Mr. McCaffrey stated that, based on research, there is no evidence that the Respondent has filed with the Secretary of State as an entity doing business in New Hampshire.
  8. A review was done of the Department's licensing and registration databases. Based on that review, the Cease and Desist Order indicates that Premier Health Care is not licensed as an insurance producer or as an administrator in the state of New Hampshire, or otherwise authorized to transact insurance business in New Hampshire.
  9. The Hearing Officer inquired as to whether the Department had looked into the business name "Best Benefits Association, Inc." which appears in the text of Exhibits 1, 3 & 4. Mr. McCaffrey responded that the Department had confirmed that neither Premier Health Care nor Best Benefits Association, Inc. are registered or licensed to solicit or transact the business of insurance in New Hampshire.

### III. CONCLUSIONS OF LAW

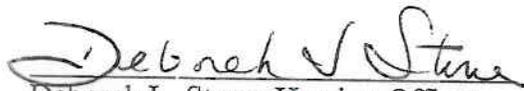
10. Premier Health Care has solicited insurance in New Hampshire on at least one and possibly many occasions in violation of NH RSA 402-J:3.
11. Premier Health Care has engaged in transacting insurance business in New Hampshire on at least two and possible more occasions in violation of NH RSA 406-B:3.

### ORDER

THEREFORE, as Hearing Officer, I find that the evidence of record in this Hearing is sufficient to demonstrate that Premier Health Care has operated in a manner not in compliance with New Hampshire law and it is hereby ORDERED that:

1. Premier Health Care Cease and Desist from operation in the State of New Hampshire, and,
2. Premier Health Care pay an administrative penalty of \$10,000 for violating the provisions of NH RSA 406-B:3. This fine is authorized under NH RSA 406-B 12.

24 June 2010  
Date

  
Deborah L. Stone, Hearing Officer