

MARYLAND INSURANCE COMMISSIONER \*  
200 ST. PAUL PLACE, SUITE 2700 \*  
BALTIMORE, MARYLAND 21202 \*

v. \*

ALIERA HEALTHCARE, INC. \*  
License No. 3000134860 \*  
5901 Peachtree Dunwoody Road \*  
Building B, Suite 200 \*  
Atlanta, GA 30328 \*

CASE NO.: MIA-2017-10-001

INVESTIGATION NO.  
MCLH-159-2016-I

\* \* \* \* \*

CONSENT ORDER

The Maryland Insurance Commissioner ("Commissioner") enters into this Consent Order ("Consent Order") with the consent of Alieria Healthcare, Inc. ("Respondent"), pursuant to Md. Ann. Code, Insurance ("Insurance Article") §§ 2-108, 2-204, and any other applicable sections. As the basis for this action, the Maryland Insurance Administration ("Administration") states:

I. Explanatory Statement

1. Respondent is a corporation with a principal place of business and mailing address of 5901 Peachtree Dunwoody Road, Building B, Suite 200, Atlanta, GA 30328.
2. Respondent is licensed by the Commissioner to operate in Maryland as a business entity insurance producer.
3. Between November 29, 2016 and September 8, 2017, the Administration conducted an investigation of Respondent's activities. Prior to and throughout the course of this investigation, Respondent met with the Commissioner and his staff seeking guidance pertaining to compliance with Maryland law as a voluntary noncontractual religious publication arrangement as described in §1-202(a)(4) of the Insurance Article. The Respondent cooperated with this investigation in all respects.

4. On October 2, 2017, the Commissioner issued an Order ("the Initial Order") detailing the findings of the investigation and holding the Respondent in violation of certain sections of the Insurance Article.

5. Respondent requested a hearing to contest the Initial Order.

6. The parties agree to this Consent Order into order to avoid litigation and to fully and finally resolve all issues stated in this Order.

## II. Provisions of Law

The Commissioner considers that following provisions of law relevant to this matter. Pursuant to §2-204(b)(2), the failure to designate a particular provision of the article in this Order does not deprive the Commissioner of the right to rely on that provision in enforcing this Order.

1. **Section 1-101(s)** provides, in relevant part, as follows:

(s) Except as expressly provided otherwise in this article, "insurance" means a contract to indemnify or to pay or provide a specified or determinable amount or benefit on the occurrence of a determinable contingency.

2. **Section 1-101 (p)** provides, in relevant part, as follows:

(p)(1) "Health insurance" means insurance of human beings against:  
(i) bodily injury, disablement, or death by accident or accidental means, or the expenses of bodily injury, disablement, or death by accident or accidental means;  
(ii) disablement or expenses resulting from sickness or childbirth; and  
(iii) expenses incurred in prevention of sickness or dental care.

3. **Section 1-202(a)(4)** provides, in relevant part, as follows:

(a) This article does not apply to:

...

(4) a voluntary noncontractual religious publication arrangement that:

...

(ii) publishes a newsletter whose subscribers are limited to members of the same denomination or religion;  
(iii) acts as an organizational clearinghouse for information between subscribers who have medical costs and subscribers who choose to assist with those costs;  
(iv) matches subscribers with a willingness to pay and subscribers with present medical costs;

- (v) coordinates payments directly from one subscriber to another;
- (vi) suggests amounts to give that are voluntary among the subscribers, with no assumption of risk or promise to pay either among the subscriber or between the subscribers and the organization;
- (vii) does not use a compensated insurance producer, representative or other person to solicit or enroll subscribers.
- ...
- (x) does not use funds paid by subscribers for medical costs to cover administrative costs[.]

### III. Conclusions of Law

After conducting the investigation described above and in light of the relevant Maryland and federal law, including without limitation the provisions cited above, the Administration hereby reaches the following conclusions of law.

1. This plan does not meet the requirements of §1-202(a)(4) of the Insurance Article.
2. The Unity plan and its operator, Alieria, are not excluded from the application of the Insurance Article by § 1-202.
3. The Insurance Commissioner has jurisdiction over the subject matter of this Order.
4. In consideration of the statutory law of the State, the Commissioner enters this Order to enforce the Insurance Article.

### ORDER

**WHEREFORE**, for the reasons set forth above, it is this 30th day of April, 2018,

**ORDERED** by the Commissioner and consented to by Respondent that:

- A. Effective immediately and as of the date of this Order, Respondent shall stop selling, soliciting, offering, renewing, or effecting any new memberships in the state of Maryland in the Unity Healthshare Ministry plan, and shall further cease and refrain from selling, soliciting, offering, renewing or effecting policies or memberships in any other health care ministry, plan or program that is not compliant with §1-202 of the Insurance Article.

B. Respondent shall provide written notice no later than June 1, 2018, of the terms of this Consent Order to all present Maryland-resident members of the Unity Healthshare Ministry plan. This notice shall indicate that the Unity plan will not be operational in Maryland after December 31, 2018. This notice shall further indicate the necessity for current members to explore other healthcare coverage options for the period beginning January 1, 2019.

C. This notice to Maryland-resident members shall further indicate that any member may terminate his or her membership in the Unity Healthshare Ministry plan by providing one (1) month's notice to Respondent of his or her intention to so terminate the membership.

D. With respect to members that do not choose to terminate their membership, Respondent is permitted to continue to operate the Unity Healthshare Ministry plan and to collect Monthly Share Amount payments for the remainder of all memberships that are in force as of the date of this Consent Order until December 31, 2018, inclusive. Respondent shall manage cost sharing requests and payments under the terms of the currently in-force membership guidelines.

E. Effective January 1, 2019, Respondent is to permanently cease the sale, solicitation or operation in Maryland of the Unity Healthshare Ministry plan and any other plan that is not excluded from the application of the Insurance Article by §1-202, and thereby constitutes health insurance under the terms of §1-101(p), and that is operated without a valid certificate of authority.

F. Respondent is directed to provide a written affirmation of its compliance with the terms of this Consent Order no later than February 1, 2019. This affirmation shall include a statement to the effect that Respondent has complied with this Order, a statement to the effect that the Unity Healthshare Ministry is no longer operational in Maryland, and a statement to the effect that all Maryland-resident previous members of the plan have been apprised of the terms of this Order. This affirmation shall be sent to Erica Bailey, Associate Commissioner, Compliance &

Enforcement Unit, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, and shall identify the case by Identification # MCLH-159-2016-I.

G. Contemporaneously with the execution of this Consent Order, Respondent shall pay an administrative penalty to the State of Maryland for the violations stated herein in the amount of seven thousand five hundred dollars (\$7,500.00). Administrative penalties shall be made payable to the Maryland Insurance Administration and shall identify the case by Identification # MCLH-159-2016-I. Unpaid penalties will be referred to the Central Collection Unit for collections.

H. The parties acknowledge that this Consent Order contains the entire agreement between the parties relating to the administrative actions addressed herein and that this Consent Order resolves all matters relating to the factual assertions and agreements contained herein. This Consent Order supersedes the Initial Order. All time frames set forth in this Consent Order may be amended or modified only by subsequent written agreement of the parties. The Administration will impose no sanction upon Respondent beyond the terms of this Consent Order for the conduct and time period described in the Initial Order.

I. Respondent has had the opportunity to have this Consent Order reviewed by legal counsel of their choosing, and are aware of the benefits gained and obligations incurred by the execution of the Consent Order. Respondent waives any and all rights to any administrative hearing of this Consent Order to which they would otherwise be entitled under the Insurance Article with respect to any of the determinations made or actions ordered by this Consent Order for the conduct and time period described herein.

J. For the purposes of the Administration and for any subsequent administrative or civil proceedings concerning Respondent, whether related or unrelated to the foregoing paragraphs, and with regard to requests for information about the Respondent made under the Maryland

Public Information Act, or properly made by governmental agencies, this Order will be kept and maintained in the regular course of business by the Administration. For the purposes of the business of the Administration, the records and publications of the Administration will reflect this Consent Order.

K. Nothing herein shall be deemed a waiver of the Commissioner's right to proceed in an administrative action or civil action to enforce the terms of this Consent Order. Failure to fully comply with the terms of this Consent Order may subject Respondent to further legal or administrative action.

L. This Order shall be effect upon signing by the Commissioner or his designee, and is a Final Order of the Commissioner under § 2-204 of the Insurance Article.

ALFRED W. REDMER, JR.  
INSURANCE COMMISSIONER

signature on file with original

By:

Erica Bailey, Associate Commissioner  
Compliance & Enforcement Unit

RESPONDENT'S CONSENT

Respondent Aliera Healthcare, Inc. hereby CONSENTS to the representations made in, and to the terms of, this Consent Order. On behalf of Respondent, the undersigned hereby affirms that he or she has taken all necessary steps to obtain the authority to bind Respondent to the obligations stated herein and does, in fact, have the authority to bind Respondent to the obligations stated herein.

4/22/08  
Date

Stella Steele  
Printed Name of Signatory

signature on file with original

Signature