

COPY

IN THE CIRCUIT COURT OF THE  
SECOND JUDICIAL CIRCUIT IN  
AND FOR LEON COUNTY, FLORIDA

IN RE:  
The Receivership of DOCTORCARE  
INC., a Florida Corporation.

CASE NO.: 06-CA-2965

\_\_\_\_\_ /

**RECEIVER'S MOTION FOR AN ORDER APPROVING PROCEDURE OF  
DEEMING CLAIMS OF SUBSCRIBERS AND PROVIDERS AS TIMELY FILED**

07 JUL 11 10:33 AM  
FILED  
CIRCUIT CIVIL DIV  
CLEVELAND COUNTY  
LEON COUNTY, FLORIDA

The Florida Department of Financial Services, as Receiver of DoctorCare, Inc. (hereinafter "Receiver"), by and through its undersigned counsel, hereby files this Motion for an Order Approving Procedure of Deeming Claims of Subscribers and Providers as Timely Filed, and as grounds therefore states the following:

1. On November 27, 2006, this Court entered an Order Appointing the Florida Department of Financial Services as Receiver for Purposes of Liquidation, Injunction, and Notice of Automatic Stay, effective December 1, 2006.

2. DoctorCare, Inc. ("DCI") was a Medicare-approved health maintenance organization with approximately 5,700 subscribers and 4,000 providers, as those terms are more fully defined below.

3. Under the Receiver's normal course of handling claims, the Receiver would send a notice and Proof of Claim ("POC") to all claimants of a liquidated company. The claimant would complete a POC and submit it to the Receiver. The Receiver would then process the POCs. After evaluation of the claims, the Receiver would prepare a claims report, obtain approval of the Court, and then notice the claimants again with the Receiver's recommendation, which would allow the claimant an opportunity to object to

the class, amount, and/or denial of the claim. A distribution, if funds are available, would be made after all claims are adjudicated. This process takes considerable time and expense.

4. The process described above is not efficient in the circumstances of DCI, due to the substantial cost of providing and processing notice to the 9,700+ claimants. As an alternative, the Receiver proposes to deem as timely filed all claims of the subscribers and providers. Any claimants that do not fall into the category of either subscribers or providers would receive a POC.

5. The term “subscriber” for purposes of this Motion is defined as members of the DCI health plan as of the date of liquidation, as well as any prior members identified in the DCI records as being owed money as a result of services provided to that member.

6. The term “provider” for purposes of this Motion includes physicians (specialists and non-specialists), pharmacies, hospitals and clinics, whether network or non-network. Network providers are those that were a part of the DCI network. Non-network providers are those providers that submitted an invoice to DCI or the Receiver and/or have been identified in the DCI records as being owed money as a result of services provided to subscribers.

7. The Receiver proposes the following procedure for subscribers and providers who may have a claim and for whom the amount may or may not have been determined:

- a. The Receiver will not require POCs from subscribers or providers.
- b. The Receiver will determine the amount of the claim of these claimants. A large portion of that work has already been performed by MedAdmin Solutions, Inc.

("MAS"), a third party administrator that was previously retained by DCI, and continued to be retained by the Receiver through December 31, 2006, to evaluate medical claims by utilizing the computer systems and other claim handling tools that were established for and used by DCI. The Receiver is currently in the process of contracting with MAS to continue claims adjudication.

c. The subscribers and providers will not need to take any action to file their claim, even where the amount has not yet been determined.

d. The claims of said subscribers and providers will be considered timely filed in the DCI estate.

e. Once all claims in the estate have been evaluated, the claimants will be advised of the class and amount of the claim. If they object to either, they will have an opportunity to file an objection with the Receiver and this Court.

f. If the Receiver cannot resolve the objection with the claimant, then a court hearing will be scheduled.

g. The remaining claimants, such as vendors, will receive POCs and the procedure outlined in sub-paragraphs (e) and (f), above, will be followed.

8. The Receiver believes that these actions are in the best interests of this Receivership estate and therefore recommends that the Motion be granted and the process proposed above be authorized and approved.

**WHEREFORE**, the Receiver respectfully requests that this Court enter an Order Granting the Receiver's Motion for Order Approving Procedure of Deeming Claims of Subscribers and Providers Timely Filed, upon the terms and conditions stated herein.

**DATED** this 17<sup>th</sup> day of July, 2007.



---

Eric S. Scott, Senior Attorney  
Florida Bar No. 0911496  
Jody E. Collins, Senior Attorney  
Florida Bar No. 500445  
Florida Department of Financial Services  
Division of Rehabilitation and Liquidation  
Post Office Box 110  
Tallahassee, Florida 32302-0110  
(850) 413-4513 – Telephone  
(850) 488-1510 – Facsimile