

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

In Re: The Receivership of the
PHYSICIANS UNITED PLAN, INC.,

CASE NO.: 2014-CA-001472

**RECEIVER'S MOTION FOR AN ORDER APPROVING PROCEDURE OF
DEEMING MEDICAL PROVIDER CLAIMS AS FILED**

The Department of Financial Services of the State of Florida, in its capacity as Receiver for Physicians United Plan, Inc. (hereinafter the "Receiver") hereby files this Motion to Approve Procedure of Deeming Medical Provider Claims as Timely Filed, and in support thereof states as follows:

1. On June 9, 2014, this Court ordered Physicians United Plan, Inc. ("PUP") into receivership and appointed the Department of Financial Services of the State of Florida as Receiver with an effective liquidation date of July 1, 2014.

2. The claims filing deadline for the PUP estate is June 9, 2015, which is one year from the date of the receivership as provided for in the Order (see paragraph 24, p. 10).

3. Under the Receiver's normal course of handling claims, the Receiver would send a notice to all potential claimants of a liquidated company. The claimant completes a proof of claim (hereinafter "POC") form and submits it to the Receiver. The Receiver would then process these POCs. After evaluation of the claims, the Receiver would prepare an interim claims report, obtain approval of the Court and notice the claimants with the Receiver's recommendations, which would allow the claimant an opportunity to object to the class and/or amount of the claim. A distribution would be made after all claims were adjudicated. This process takes considerable time and cost.

4. In an effort to reduce the costs and increase the efficiency of the claims process, the Receiver proposes an alternative process whereby it will deem as filed all claims submitted in the PUP estate for medical provider claimants. Medical provider claimants are defined for purposes of this motion as those medical providers (including their associated billing entity/payee) who rendered medical treatment to the PUP members/policyholders.

5. Although the Receiver has noticed all potential medical provider claimants of the claim filing deadline of June 9, 2015, instructions regarding the submission of their claims has not yet been provided. The Receiver prefers to utilize the current technology in the medical industry that allows the submission of medical claims via electronic methods utilizing standard industry protocol. This will result in more cost effective claim submissions and adjudications.

6. The Receiver does not have the ability to receive the medical claims electronically. The Receiver is in the process of procuring the services of a third party administrator to establish the method for submission of medical claims electronically and adjudicate the medical claims in the PUP receivership. Upon approval of this motion, the Receiver will notice all potential medical provider claimants of the terms of this Court's Order and advise that further instructions regarding the submission of their medical claims electronically.

7. As soon as the electronic submission process is established, the Receiver will establish the deadline for medical provider claimants to submit their claims. Such deadline will not be less than sixty (60) days from the date of the notice is sent to the potential medical provider claimants. The Receiver will notify the medical providers

regarding the instructions to submit their medical claims, to include instructions that in order for medical claims to be considered timely filed, they must be submitted by the deadline established by the Receiver.

8. Petitioning the Court to accept these claims as timely filed is not intended to extend this Court's June 9, 2015 claim filing deadline or otherwise impact any statutes of limitations or other statutory deadlines.

9. The Receiver proposes the following procedure for the approximately 7,500 potential medical provider claimants who may have a claim in the PUP estate, for which the amount of the claim has not yet been determined:

A. The Receiver will not require POCs from medical provider claimants as described in Paragraph 4 that submit medical claims in the PUP estate as specified in Paragraph 7.

B. The Receiver's third party administrator, once it is under contract with the Receiver, will establish the method of submitting medical claims electronically and determine which medical provider claims are submitted by the established date;

C. Any medical provider claims that support a billing entity/payee master claim will be considered deemed filed as part of any master claim submitted to the third party administrator;

D. The medical provider claims identified above in Paragraph 7 submitted by the established date will be deemed timely filed in the PUP estate;

E. Any medical provider claims submitted past the established date that cannot be associated with a timely filed submission will be considered late filed;

F. Once the medical provider claims in the estate have been evaluated, the claimants will be advised of the class and amount of their claim. If they object to either, they will have an opportunity to file an objection with the Receiver and the Court;

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

10. This procedure will not affect the rights of a claimant in the PUP estate for any other claim they believe they may be entitled to file in accordance with Chapter 631, Florida Statutes.

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

WHEREFORE, the Florida Department of Financial Services as Receiver for Physicians United Plan, Inc. moves this Court for an Order approving the procedure of deeming medical provider claims as filed as follows:

A. The Receiver will not require Proof of Claim forms from medical provider claimants that submit medical provider claims in the Physicians United Plan, Inc. estate;

- B. The Receiver's third party administrator will establish the method of submitting medical provider claims electronically and determine which medical provider claims are submitted by the established date;
- C. The Receiver's third party administrator will consider any medical provider claims, that support a billing entity/payee master claim, as deemed filed as part of the master claim;
- D. The Receiver will set a deadline for electronic submission of medical provider claims to the third party administrator and all claims received within that deadline will be deemed timely filed in the Physicians United Plan, Inc. estate;
- E. The medical provider claim deadline will not be less than sixty (60) days from the date the notice is sent to the potential provider claimants;
- F. Any medical provider claims that are submitted past the established deadline that cannot be associated with a timely filed submission will be considered late filed;
and
- G. The submitted medical provider claims will be evaluated, the claimants will be informed of the class and amount of their claim, the claimants will have an opportunity to object to their evaluated claim, and if the Receiver cannot resolve the objection, then the Receiver will set a hearing with the Court.

SUBMITTED on this 13th day of May, 2015.

/s/ Steven G. Brangaccio
STEVEN G. BRANGACCIO,
SENIOR ATTORNEY
Florida Bar No. 0071773
Florida Department of Financial Services
Division of Rehabilitation and Liquidation
Steven.Brangaccio@MyFloridaCFO.com
(850) 413-4445