

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Enhance ACA Plus, LLC
Docket No.: Ins. No. 24-063-EP**

**ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING**

The New Hampshire Insurance Department ("NHID") orders Enhance ACA Plus, LLC ("Respondent") to show cause why the New Hampshire Insurance Commissioner should not levy an administrative fine against it and suspend its New Hampshire insurance producer license. In support of the Order to Show Cause and pursuant to RSA 541-A:31, RSA 400-A:17 *et seq.* and Ins Chapter 200, the NHID states as follows:

STATEMENT OF FACTS

1. Respondent is a Florida domiciled entity which holds a non-resident NH insurance producer license, with an NPN of 20544587.
2. On July 1, 2024, Enforcement Counsel at the NHID sent a request to Respondent, pursuant to NH RSA 400-A:16, requesting information about its business practices in NH. Respondent did not respond to that request.
3. On July 18, 2024, Enforcement Counsel at the NHID sent a request to Respondent, pursuant to NH RSA 400-A:16, requesting some of the same information in the July 1, 2024, request, but also including an additional request about Respondent's failure to earlier respond. Respondent did not respond to that request.
4. To date, Respondent has not provided a response to either request made by the NHID.

STATEMENT OF ISSUES

5. Whether Respondent violated NH RSA 400-A:16, II by failing to respond within 10 working days to the NHID's July 1, 2024, request.
6. Whether Respondent violated NH RSA 400-A:16, II by failing to respond within 10 working days to the NHID's July 18, 2024, request.
7. The NHID reserves the right to amend this statement of issues upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

INSURANCE LAWS VIOLATED BY RESPONDENT

8. The NHID maintains the Respondent violated the following New Hampshire insurance law statutes: NH RSA 400-A:16, II.
9. The NHID reserves the right to amend this list of insurance laws violated by the Respondent upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

PENALTY REQUESTED

10. In the event that the Hearing Officer determines after an evidentiary hearing that the NHID sustained its burden of proof with respect to the allegations of fact and violations of law outlined above, the NHID requests that the Hearing Officer impose the following sanctions on the Respondent:
 - a. Order the Respondent to pay a penalty of \$5,000; and
 - b. Order that the Respondent's license in this state be suspended until such time it responds to the NHID's requests for information.
11. The NHID reserves the right to amend penalty requested upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

NOTICE OF HEARING

12. An adjudicatory proceeding shall be commenced for the purpose of resolving the issues articulated above pursuant to RSA 541-A:31, RSA 400-A:17, *et seq.*, and Ins 200. To the extent that the Department's rules do not address an issue of policy or procedures, the Department shall apply the N.H. Department of Justice Rules, Part 800.
13. The Respondent shall appear at Department on **November 12, 2024, at 1:30 PM** at the Department's office located at 21 South Fruit Street, Suite 14, in Concord New Hampshire to participate in this adjudicatory proceeding and, if deemed appropriate, be subject to sanctions pursuant to RSA 400-A:15, III. Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia* and sanctions may be imposed without further notice or an opportunity to be heard.
14. Brenda Golden Hallisey, Esq. is appointed to act as Hearing Officer in this matter with all the authority within the scope of RSA 400-A:19 and Ins 203.01.

15. Sandra Barlow shall serve as clerk to the Hearing Officer. The parties should direct all communications to Ms. Barlow, whose contact information is:

Sandra Barlow, Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
Tel: (603) 271-2033
Fax: (603)271-1406
Email: sandra.l.barlow@ins.nh.gov

16. Respondent has the right to be represented by a lawyer in this proceeding. However, Respondent shall bear the cost of retaining said lawyer. Should Respondent elect to retain a lawyer, his lawyer shall file a Notice of Appearance with Ms. Barlow and said lawyer should do so at the earliest possible date. A copy of the NHID's Notice of Appearance form is enclosed with this Order.
17. Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.
18. Joshua Hilliard, Esq. shall serve as staff advocate representing the interests of the NHID.
19. All routine procedural inquiries may be made by contacting Sandra Barlow, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301, (603) 271-2033, but that all other communications with the Hearing Officer and the Commissioner shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Department's regulations.
20. A copy of this hearing notice shall be served upon Respondent by certified mail addressed to the mailing address on file with New Hampshire Insurance Department. See, RSA 400-A:14.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 9/18/2024



Keith E. Nyhan
Deputy Insurance Commissioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Order to Show Cause and Notice of Hearing was sent this date by first-class mail, postage prepaid, and by certified mail, return receipt requested to Respondent at licensing@enhancehealth.com and 1550 Sawgrass Corporate Parkway, Sunrise, FL 33323, the mailing and e-mail addresses the Respondent has on file with the NHID.

Date: 9/18/24



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel