



OFFICE OF  
INSURANCE COMMISSIONER

FILED

2005 JUL -7 P 12:22

**DECLARATION OF MAILING**

I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery of a true copy of this document to the parties below

DATED this 7th day of July 2005 at Tumwater, Washington.

Signed: Wendy Galloway

Patricia D. Petersen  
Chief Hearing Officer  
(360) 725-7105

HEARINGS UNIT  
Fax: (360) 664-2782

Hearings Unit, DIC  
Patricia D. Petersen  
Wendy Galloway  
Chief Hearing Officer  
Administrative Assistant  
(360) 725-7002  
[wendyg@oic.wa.gov](mailto:wendyg@oic.wa.gov)

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:	)	
	)	NO. G05-37
<b>GREAT-WEST HEALTHCARE</b>	)	
<b>OF WASHINGTON, INC.,</b>	)	FINAL ORDER DISMISSING
	)	AND TERMINATING PROCEEDING
Insurers.	)	

**TO:** Mark C. Gary, Esq.  
Bennett, Bigelow & Leedom, P.S.  
1700 Seventh Avenue, Suite 1900  
Seattle, Washington 98101-1397

**AND TO:** Christopher Walker, Associate Counsel  
Great-West Healthcare of Washington, Inc.  
P.O. Box 1080  
Denver, Colorado 80201

**COPY TO:** Mike Kreidler, Insurance Commissioner  
Michael G. Watson, Chief Deputy Insurance Commissioner  
James T. Odiorne, Deputy Commissioner, Company Supervision  
Carol Sureau, Deputy Commissioner, Legal Affairs  
P.O. Box 40255  
Olympia, Washington 98504-0255

On May 5, 2005, the Insurance Commissioner (Commissioner) received a request for hearing from Great-West Healthcare of Washington, Inc. (Great-West). This request for hearing, which shall be considered a request for an adjudicative proceeding, is included in the hearing file and is by this reference incorporated herein. In the subject request for hearing, filed pursuant to RCW 48.03.040(3), Great-West objects to several portions of the Commissioner's Draft Market

Final Order Dismissing & Terminating Proceedings  
G05-37  
Page 2

Conduct Examination Report of Great-West for the period January 1, 2002 through December 31, 2003, as summarized below.

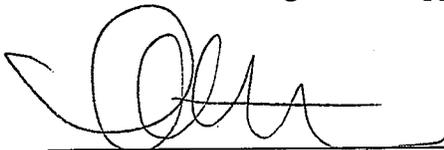
Accordingly, a first prehearing conference was held by telephone on May 23, 2005 at 8:30 a.m. Mark C. Gary, Esq., of Bennett, Bigelow & Leedom, P.S., of Seattle, Washington, and Christopher Walker, Associate Counsel, represented Great-West Healthcare of Washington, Inc. The Commissioner was represented by Carol Sureau, Esq., Deputy Commissioner for Legal Affairs. During said prehearing conference, the undersigned reviewed administrative procedure and addressed all questions and concerns of the parties. The parties agreed that the hearing in this matter should be held commencing July 6, 2005 and a Notice of Hearing was entered by the undersigned.

Subsequently, by letter dated June 30, 2005, which was filed herein on behalf of Great-West on June 30, 2005, Great-West withdrew its request for hearing advising that significant progress had been made between the parties addressing and clarifying a number of items included in the Draft Report, and advising that Great West has therefore determined to forgo the formal hearing challenging the Draft Report. Great-West did, however, reserve the right to request a hearing to contest the contents of the Final Report when it was entered if it became necessary, and acknowledged that it understood that, pursuant to RCW 48.03.040(6), the Commissioner would continue to hold the content of the Final Report as private and confidential information for a period of five days and that thereafter the Commissioner may open the Final Report for public inspection so long as no court of competent jurisdiction has stayed its publication, so that any hearing requested on the Final Report could be public even as to the contents of that Final Report.

Based upon the above activity,

**IT IS HEREBY ORDERED** that this proceeding, Docket No. G05-37 is terminated and dismissed.

ENTERED at Tumwater, Washington, this 7<sup>th</sup> day of July, 2005, pursuant to Title 48 RCW, RCW 34.05 and regulations applicable thereto.



**PATRICIA D. PETERSEN**  
Presiding Officer



Bennett Bigelow &amp; Leedom, P.S.

Law Offices

Mark C. Gary  
Attorney  
mgary@bbllaw.com

June 30, 2005

FILED

JUN 30 2005

Hearings Unit, OIC  
Patricia D. Petersen  
Chief Hearing Officer

## VIA FACSIMILE

The Honorable Patricia D. Petersen  
James T. Odiome, CPA, JD  
Office of Insurance Commissioner  
P.O. Box 40255  
Olympia, Washington 98504-0255

Re: Withdrawal of Hearing Request; OIC Cause No. G05-37

Dear Judge Petersen and Mr. Odiome:

On behalf of Great-West Healthcare of Washington, Inc. ("Great-West"), we are writing to withdraw Great-West's request for a hearing before the OIC Hearings Unit to challenge the March 20, 2005 draft market conduct examination report of Great-West ("Draft Report"). The hearing was requested by letter dated May 5, 2005 and is currently scheduled for July 6, 2005. Great-West has appreciated the constructive and collegial communications with the OIC following the issuance of the Draft Report. Significant progress has been made in addressing and clarifying a number of items included in the Draft Report, and given this progress, Great-West has determined to forgo the formal hearing challenging the Draft Report.

We understand that Mr. Odiome will still need to review the final exam report prepared by examiners Leslie Krier and Nancy Campbell. We appreciate the cooperation of the OIC in sharing with us the text we presume will be included in the final report and order. Great West reserves the right to appeal the final order pursuant to RCW 48.03.040(5), but is optimistic that its efforts will instead be focused on working with the OIC in formulating an acceptable compliance plan to address matters identified in the examination. (Again, we note that Great-West has already taken a significant number of immediate steps to address matters identified in the Draft Report, and appreciate that many of these actions will be noted as "subsequent events" in the final report and order).

{1268.00002/MM517307.DOC, Ver. 1}

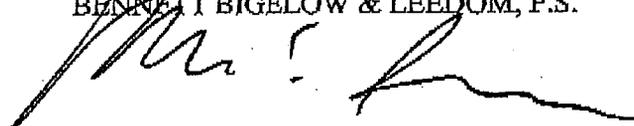
1700 Seventh Avenue, Suite 1900 • Seattle, Washington 98101-1997  
T 206.622.5511 • F 206.622.8986 • www.bbllaw.com

Honorable Patricia D. Petersen  
James T. Odiorne, CPA, JD  
June 30, 2005  
Page 2

Again, we appreciate the OIC's cooperation. Please do not hesitate to contact me with any questions about this matter.

Very truly yours,

BENNETT BIGELOW & LEEDOM, P.S.



Mark C. Gary

MCG/sb

cc: Honorable Mike Kreidler  
Carol Sureau  
Nancy Heley  
Leslie Krier  
Nancy Campbell  
Wendy Galloway  
Christopher Walker  
Jennifer Wheatley