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Title 28@ Managed Health Care

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Division 1@ The Department of Managed Health Care

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Chapter 2@ Health Care Service Plans

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Article 14@ Miscellaneous Provisions

|->

Section 1300.89@ Petition for Restoration

1300.89 Petition for Restoration

(a)

The fee for the filing of a petition for restoration shall be \$100 for a solicitor, \$250 for a solicitor firm, and \$500 for a plan.

(b)

A petition for restoration shall be made upon the following form: (Official Use Only) DEPARTMENT OF MANAGED CARE File No. _____

(Insert file number of previous filings before the Fee Paid

\$_____ Department, if any.) FILING FEE: Solicitor: \$100

Receipt No. _____ Solicitor firm: \$250 Plan: \$500 Not

refundable except pursuant to Section 250.15, Title 10, California Code of

Regulations. EXECUTION PAGE DEPARTMENT OF MANAGED HEALTH CARE STATE

OF CALIFORNIA PETITION FOR RESTORATION UNDER THE KNOX-KEENE HEALTH

CARE SERVICE PLAN ACT OF 1975 INDICATE TYPE OF FILING BY CHECKING ONE OF

THE FOLLOWING: ☐ ORIGINAL PETITION FOR SOLICITOR ☐ ORIGINAL PETITION FOR

SOLICITOR FIRM ☐ ORIGINAL PETITION FOR PLAN ☐ AMENDMENT TO PETITION FOR

SOLICITOR ☐ AMENDMENT TO PETITION FOR SOLICITOR FIRM ☐ AMENDMENT TO

PETITION FOR PLAN ☐ SUBSEQUENT PETITION Date first petitioned for restoration

_____ Date of any subsequent petitions _____

_____ 1. Name of petitioner (Complete name as appearing on

articles of incorporation, partnership agreement, etc.) _____

2. Address of principle office of petitioner. (Number and Street)(City)(State)(Zip Code) _____ 3. Address of principle office of petitioner in the State of California. (Number and Street)(City)(State)(Zip Code) _____ 4. Name and address of person to whom communications should be addressed concerning this petition. _____ 5. Within 20 days of a request from the Director, the petitioner shall furnish additional information as the Director may require pursuant to subsection (c) of this section. _____

EXECUTION The undersigned, duly authorized by the petitioner, has signed this petition on the petitioner's behalf.

_____ By: (Petitioner)
_____ Title: I certify under penalty of perjury that I have read this petition and the exhibits and attachments and know the contents, and that the statements are true. Executed at _____ (City)
_____ (State) on _____ , _____
_____ (Signature of Declarant) (If executed other than in a state which permits verifications under penalty of perjury, attach a verification executed and sworn to before a Notary Public.) _____ 6.

Name and address of officer or partner of petitioner who is to receive compliance and informational communications from the Department and who is responsible for disseminating the same within the petitioner's organization. 7. Set forth the grounds upon which the license, employment, or activity was suspended, revoked, or barred. Attach a copy of the decision, administrative record, and order suspending, revoking or barring petitioner. 8. Set forth the basis upon which petitioner believes that restoration is warranted. 9. Set forth the steps which petitioner has taken to prevent a recurrence of the grounds referred to in item 7,

above, and any other information which petitioner believes to be relevant. 10. If the petitioner is a plan, is its application on file with the Department current without the need for any amendment? ☐ Yes ☐ No If "no," state the day on which petitioner will comply with subsection (c) of this section. 11. If the petitioner is a plan, attach as exhibits all current reports, information, and statements which are required to be filed under the Act or rules but which have not been filed to date. 12. If the petitioner is a solicitor firm, describe the organization of petitioner, identify its principal persons, and describe the manner in which it proposes to act as a solicitor firm. 13. If the petitioner is a solicitor firm, attach financial statements as required: A. If petitioner is subject to the tangible net worth requirement of Section 1300.76.2, Title 28, Calif. Code of Regulations, attach a copy of petitioner's financial statement consisting of at least a balance sheet and statement reporting the results of operations for the petitioner, prepared as of a date within 30 days of the filing of this petition. Such financial statement need not be certified, but if not certified, also attach as an exhibit certified financial statements of the petitioner as of the close of its last fiscal year. B. If petitioner is exempted from Section 1300.76.2, attach a statement to that effect and attach a copy of petitioner's financial statement, which need not be certified, consisting of at least a balance sheet and statement reporting the results of operations for the petitioner, prepared as of a date within 30 days of the filing of this petition. C. If petitioner accepts no funds, in the form of checks or otherwise, of plans, subscribers or other persons contracting with plans (exclusive of petitioner's compensation for its solicitation activities), attach a statement to that effect, and do not include financial statements of the petitioner as an exhibit to the petition. 14. If petitioner has applied for restoration previously and been denied, attach copies of all prior petitions, administrative records, and decisions on those

petitions. _____

1.

Name of petitioner (Complete name as appearing on articles of incorporation, partnership agreement, etc.) _____

2.

Address of principle office of petitioner. (Number and Street)(City)(State)(Zip Code)

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Address of principle office of petitioner in the State of California. (Number and Street)(City)(State)(Zip Code) _____

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6.

Name and address of officer or partner of petitioner who is to receive compliance and informational communications from the Department and who is responsible for disseminating the same within the petitioner's organization.

7.

Set forth the grounds upon which the license, employment, or activity was suspended, revoked, or barred. Attach a copy of the decision, administrative record, and order suspending, revoking or barring petitioner.

8.

Set forth the basis upon which petitioner believes that restoration is warranted.

9.

Set forth the steps which petitioner has taken to prevent a recurrence of the grounds referred to in item 7, above, and any other information which petitioner believes to be relevant.

10.

If the petitioner is a plan, is its application on file with the Department current without the need for any amendment? ☐ Yes ☐ No If "no," state the day on which petitioner will comply with subsection (c) of this section.

11.

If the petitioner is a plan, attach as exhibits all current reports, information, and statements which are required to be filed under the Act or rules but which have not been filed to date.

12.

If the petitioner is a solicitor firm, describe the organization of petitioner, identify its principle persons, and describe the manner in which it proposes to act as a solicitor firm.

13.

If the petitioner is a solicitor firm, attach financial statements as required: A. If petitioner is subject to the tangible net worth requirement of Section 1300.76.2, Title 28, Calif. Code of Regulations, attach a copy of petitioner's financial statement consisting of at least a balance sheet and statement reporting the results of operations for the petitioner, prepared as of a date within 30 days of the filing of this petition. Such financial statement need not be certified, but if not certified, also attach as an exhibit certified financial statements of the petitioner as of the close of its last fiscal year. B. If petitioner is exempted from Section 1300.76.2, attach a statement to that effect and attach a copy of petitioner's financial statement, which need not be certified, consisting of at least a balance sheet and statement reporting the results of operations for the petitioner, prepared as of a date within 30 days of the filing of this petition. C. If petitioner accepts no funds, in the form of checks or otherwise, of plans, subscribers or other persons contracting with plans (exclusive of petitioner's compensation for its solicitation activities), attach a statement to that effect, and do not include financial statements of the petitioner as an exhibit to the petition.

A.

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B.

If petitioner is exempted from Section 1300.76.2, attach a statement to that effect and attach a copy of petitioner's financial statement, which need not be certified, consisting of at

least a balance sheet and statement reporting the results of operations for the petitioner, prepared as of a date within 30 days of the filing of this petition.

C.

If petitioner accepts no funds, in the form of checks or otherwise, of plans, subscribers or other persons contracting with plans (exclusive of petitioner's compensation for its solicitation activities), attach a statement to that effect, and do not include financial statements of the petitioner as an exhibit to the petition.

14.

If petitioner has applied for restoration previously and been denied, attach copies of all prior petitions, administrative records, and decisions on those petitions.

(c)

If the petition provided in subsection (b) is filed by a plan, the plan shall file an amendment to its application on file with the Department which will bring that application current, or, if its application is current without the need for any amendment, it shall so allege.

(d)

The Director may require additional information and/or undertakings as a condition of granting a petition for restoration. This requested material will be used to determine whether the petitioner, if restored, would engage in business in full compliance with the objectives and provisions of the Act and the applicable regulations. The Director, in evaluating the rehabilitation of the petitioner and his or her eligibility for a license or status as a solicitor, shall consider the following criteria: (1) The nature and severity of the act(s) or offense(s). (2) The administrative record applicable to the disciplinary proceedings. (3) The time that has elapsed since commission of the act(s) or offense(s). (4) Whether the

petitioner has complied with any terms of parole, probation, restitution or any other sanctions imposed against him or her. (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code. (6) Evidence, if any, of rehabilitation submitted by the petitioner. (7) Any other information or material that the Director deems to be appropriate and relevant.

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Whether the petitioner has complied with any terms of parole, probation, restitution or any other sanctions imposed against him or her.

(5)

If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6)

Evidence, if any, of rehabilitation submitted by the petitioner.

(7)

Any other information or material that the Director deems to be appropriate and relevant.