

1 ANTHONY MANZANETTI
Deputy Director | Chief Counsel, Bar No. 119384
2 CAROL VENTURA
Assistant Chief Counsel, Bar No. 99570
3 JAMES WILLIS
Senior Counsel, Bar No. 207477
4 CALIFORNIA DEPARTMENT OF
MANAGED HEALTH CARE
5 980 9th Street, Suite 500
Sacramento, CA 95814-2725
6 916-323-0435 - Phone
916-323-0438 - Fax
7 enforcement@dmhc.ca.gov

FILED

FEB 27 2012

DEPARTMENT OF MANAGED HEALTH CARE
By *Laura B. Kellogg*
Filing Clerk

8 Attorneys for
9 Department of Managed Health Care

10 BEFORE THE DEPARTMENT OF MANAGED HEALTH CARE
11 OF THE STATE OF CALIFORNIA

12 IN THE MATTER OF:

13)
14) **KAISER FOUNDATION HEALTH**
15) **PLAN INC.,**

16) Respondent.
17)
18)

) Enforcement Matter No.: 11-369

) **ORDER TO CEASE AND DESIST**
) **UNLAWFULLY DENYING PHYSICAL**
) **THERAPY, SPEECH THERAPY, AND/OR**
) **OCCUPATIONAL THERAPY.**

19
20 **TO: Maria Borje-Bonkowski**
21 **Director, HP Licensing/Submissions**
22 **Kaiser Foundation Health Plan, Inc.**
2101 Webster Street, 8th Floor
Oakland, CA 94612

23 Brent Barnhart, the Director of the Department of Managed Health Care (the Director), by and
24 through his designee, Anthony Manzanetti, Deputy Director and Chief Counsel of the Office of
25 Enforcement, after investigation, determines as follows:

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I.

PARTIES

1. The Director of the Department of Managed Health Care (the Department) is vested with the responsibility to administer and enforce the Knox-Keene Health Care Service Plan Act of 1975, pursuant to Health and Safety Code, section 1340 et seq. (the Knox-Keene Act).

2. Kaiser Foundation Health Plan, Inc. (Kaiser or the Plan) is now, and has been since November 4, 1977, a full service plan (File No. 933 0055) licensed pursuant to Health and Safety Code, section 1353. Its principal place of business is located at 2101 Webster Street, Oakland, CA 94612. Kaiser is subject to the Knox-Keene Act and California Code of Regulations, title 28, promulgated pursuant to the Knox-Keene Act.

II.

STATUTORY AUTHORITY

3. The Director has authority to adopt orders from time to time as are necessary to carry out the provisions of the Knox-Keene Act. (Health and Saf. Code, § 1344(a).)

4. The Director may issue an order directing a plan, solicitor firm, or any representative thereof, a solicitor, or any person to cease and desist from engaging in any act or practice in violation of the provisions of this chapter, any rule adopted pursuant to this chapter, or any order issued by the Director pursuant to this chapter. (Health and Saf. Code, § 1391.)

5. Health and Safety Code, section 1367(i) states that a health care service plan, such as Kaiser, shall provide to subscribers and enrollees all of the basic health care services included in subdivision (b) of section 1345.

6. Health and Safety Code, section 1345(b)(2) defines a basic health care service to include hospital inpatient services and ambulatory care services.

7. Code of Regulations, title 28, section 1300.67(c) defines the scope of a basic health care service by stating that ambulatory care services shall include diagnostic and treatment services, physical therapy, speech therapy, occupational therapy services as appropriate, and those hospital services, which can be reasonably provided on an ambulatory basis.

1 15. The provider group’s clinical guidelines for speech therapy state in relevant part:

2 A service is **NOT** a speech and language Health Care Service . . . when
3 the therapy does not meet the indications in these Guidelines. Some of the
4 circumstances are described below: . . . **Learning Disorders** if individuals
5 do not have physical impairment of the articulators or physical impairment
6 of oral/pharyngeal intake. [Bolding, capitals and underline in original]

7 16. The provider group’s Occupational and Physical therapy clinical guidelines state in
8 relevant part:

9 “A service is **NOT** a physical or occupational therapy Health Care Service
10 . . . when the therapy does not meet the indicators in these Guidelines.
11 Some of the circumstances are described below **Programs for
12 communication / cognitive deficits from developmental disorders** –
13 where deficits do not impact overall health.” [Bolding, capitals and
14 underline in original]

15 17. Kaiser categorically denies coverage for speech therapy on the basis that the enrollee
16 does not have a physical condition such as a defined trauma, surgical intervention or cranio-facial
17 abnormality or any laryngeal pathology, oral/pharyngeal intake dysfunction of specifically diagnosable
18 oral motor anatomical anomalies that may be indicative of the need for speech and language therapy
19 health care services.

20 18. Kaiser categorically denies coverage for occupational therapy on the basis that the
21 enrollee does not have a physical condition such as physical pathology or dysfunction of an anatomical
22 function or a loss of previously acquired cognitive skills or sensory dysfunction that leads to bodily
23 damage.

24 19. Kaiser categorically denies coverage for physical therapy on the basis that the enrollee
25 does not have a physical condition such as a physical pathology or dysfunction of an anatomical
26 function or loss of a previously acquired cognitive skills or sensory dysfunction that leads to bodily
27 damage.

28 20. Under the Act, Speech Therapy, Physical Therapy and/or Occupational Therapy are
 required basic health care services, and therefore Kaiser’s denial of coverage for physical therapy,
 speech therapy, and/or occupational therapy based on a lack of physical impairment is illegal and
 contrary to the Act.

1 (c) Title 28, California Code of Regulations, § 1300.74.72 (a) for failing to
2 provide all required mental health services required for the diagnosis and treatment of
3 conditions set forth in Health and Safety Code section 1374.72 including, when medically
4 necessary, all health care services required under the Act including, but not limited to,
5 basic health care services within the meaning of Health and Safety Code sections 1345(b)
6 and 1367(i), and section 1300.67 of Title 28;

7 (d) Title 28, California Code of Regulations, § 1300.67(c) for failing to
8 provide medically necessary basic health care services which this code section defines as
9 including physical therapy, speech therapy, and/or occupational therapy;

10 (e) Title 28, California Code of Regulations, § 1300.74.30(h) for
11 mischaracterizing determinations based on medical necessity as coverage determinations
12 thereby interfering with the enrollee's right to an IMR;

13 (f) Health and Safety Code § 1386(b)(7) for an unfair business practice as
14 defined by Business and Professions Code § 17200;

15 (g) Health and Safety Code § 1386(b)(1) for operating at variance with the
16 basic organizational documents as filed with the Department;

17 (h) Health and Safety Code § 1386(b)(3) for failure to provide basic health care
18 services to enrollees.

19 **ORDER TO CEASE AND DESIST**

20 **THEREFORE**, the Director of the Department of Managed Health Care, by and through his
21 designee, Deputy Director and Chief Counsel for Enforcement,

22 **ORDERS AS FOLLOWS:**

23 1. The Plan is hereby ordered to cease and desist from any act and/or practice that
24 unlawfully denies coverage for physical therapy, speech therapy, and/or occupational therapy services as
25 appropriate to enrollees in violation of the law, including but not limited to Health and Safety Code
26 §§1367(i), 1374.72(a), and Title 28, California Code of Regulations, §§ 1300.67(c), 1300.74.30(h), and
27 1300.74.72(a). Specifically, Kaiser is hereby ordered to cease and desist from denying coverage of
28

1 physical therapy, speech therapy, and/or occupational therapy on the basis an enrollee does not have a
2 sufficient physical ailment to trigger coverage under the provider group's clinical guidelines.

3 2. The Plan is hereby ordered to cease and desist from engaging in any act and/or practice
4 that unlawfully interferes with an enrollee's right to an Independent Medical Review, including without
5 limitation, the unlawful practice of mischaracterizing requests for physical therapy, speech therapy,
6 and/or occupational therapy as a coverage issue rather than a medical necessity issue.

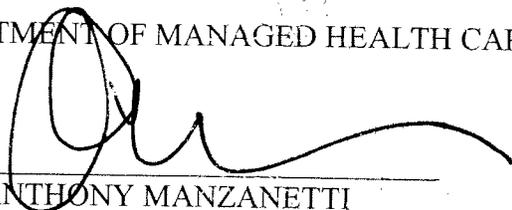
7 3. The Plan is hereby ordered to cease and desist from engaging in any act and/or practice of
8 failing to reimburse enrollee's for past, present and future medically necessary physical therapy, speech
9 therapy, and/or occupational therapy services.

10 The Department reserves its right to amend this Order to include additional information,
11 including but not limited to, an accusation, Order pursuant to Health and Safety Code §1368(b)(6), or
12 other request for relief, including but not limited to reimbursement to past, present and future Kaiser
13 enrollees that have been illegally denied medically necessary physical therapy, speech therapy, and/or
14 occupational therapy services; or for penalties incurred arising out of the aforementioned findings.

15 This Order shall be effective immediately and shall continue in full force and effect until further
16 Order by the Director.

17
18 Dated: February 27, 2012

DEPARTMENT OF MANAGED HEALTH CARE

19
20 By: 

21 ANTHONY MANZANETTI
22 Deputy Director | Chief Counsel
23 Office of Enforcement
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27
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8 Attorneys for Complainant
Department of Managed Health Care
9

10
11 BEFORE THE DEPARTMENT OF MANAGED HEALTH CARE
12 OF THE STATE OF CALIFORNIA

13 IN THE MATTER OF:

14
15 KAISER FOUNDATION HEALTH PLAN,
INC.,

16 Respondent.

Enforcement Matter No.: 11-369

**STATEMENT TO RESPONDENT
(Govt. Code Section 11505)**

17
18 **TO RESPONDENT AND THEIR ATTORNEYS OF RECORD:**

19 Attached is a copy of the Order to Cease and Desist Unlawfully Denying Physical Therapy,
20 Speech Therapy, and/or Occupational Therapy (Cease and Desist Order) in the above matter, which is
21 hereby served upon you in accordance with the provisions of section 11505(a) of the California
22 Government Code. The Director of the Department of Managed Health Care (the Department) may
23 proceed upon the Cease and Desist Order without a hearing, unless a written request for a hearing,
24 signed by or on behalf of the person named as respondent in the accompanying Cease and Desist Order,
25 was delivered or mailed to the Department within thirty (30) days after the Cease and Desist Order was
26 personally served upon you or mailed to you. The request for a hearing may be made by delivering or
27 mailing the attached form, entitled Notice of Defense, or by delivering or mailing a Notice of Defense as
28 provided by Government Code section 11506 to:

1 James A. Willis, Staff Counsel III (Specialist)
2 Department of Managed Health Care
3 980 9th Street, Suite 500
4 Sacramento, CA 95814-2725

5 You may, but need not, be represented by counsel at any or all steps of these proceedings.

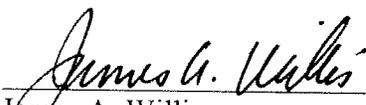
6 If you desire the names and addresses of witnesses, or an opportunity to inspect and copy the
7 items mentioned in Government Code, section 11507.6, that are in the possession, custody or control of
8 the Department, you may contact:

9 James A. Willis, Staff Counsel III (Specialist)
10 Department of Managed Health Care
11 980 9th Street, Suite 500
12 Sacramento, CA 95814-2725

13 The hearing may be postponed for good cause. If you have good cause, you are obliged to notify
14 the Department within ten business days after you discover the good cause. Failure to notify the
15 Department within the requisite ten business days will deprive you of a postponement.

16 In accordance with the provisions of section 11505 of the Government Code, attached are copies
17 of sections 11507.5, 11507.6, and 11507.7 of the Government Code.

18 Dated: February 27, 2012
19
20

21 By: 
22 James A. Willis
23 Staff Counsel III (Specialist)
24 Office of Enforcement
25 Department of Managed Health Care
26
27
28

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF MANAGED HEALTH CARE
STATE OF CALIFORNIA**

IN THE MATTER OF:)	Enforcement Matter No. 11-369
)	
KAISER FOUNDATION HEALTH)	
PLAN INC.,)	NOTICE OF DEFENSE
)	
Respondent.)	[Pursuant to Gov. Code §§ 11505 and 11506]
<hr style="border-top: 1px solid black;"/>		

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Order to Cease and Desist Unlawfully Denying Physical Therapy, Speech Therapy, and/or Occupational Therapy (the Cease and Desist Order); Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Cease and Desist Order.

Dated _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

I am represented by counsel, whose name, address, and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address, and telephone number will be filed with the Office of Administrative Hearings and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings, and other papers.

The agency taking the action described in the Cease and Desist Order may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF MANAGED HEALTH CARE
STATE OF CALIFORNIA**

IN THE MATTER OF:)	Enforcement Matter No. 11-369
)	
KAISER FOUNDATION HEALTH)	
PLAN INC.,)	NOTICE OF DEFENSE
)	
Respondent.)	[Pursuant to Gov. Code §§ 11505 and 11506]
_____)	

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Order to Cease and Desist Unlawfully Denying Physical Therapy, Speech Therapy, and/or Occupational Therapy (the Cease and Desist Order); Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Cease and Desist Order.

Dated _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

I am represented by counsel, whose name, address, and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address, and telephone number will be filed with the Office of Administrative Hearings and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings, and other papers.

The agency taking the action described in the Cease and Desist Order may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

Discovery under the California Administrative Procedure Act

Government Code section 11507.5. Exclusivity of discovery provisions.

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

Government Code section 11507.6. Request for discovery.

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

- (a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;
- (b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;
- (c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;
- (d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;
- (e) Any other writing or thing which is relevant and which would be admissible in evidence;
- (f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

Government Code section 11507.7. Motion to compel discovery; Order.

- (a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.
- (b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.
- (c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.
- (d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.
- (e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.
- (f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

1 ANTHONY MANZANETTI
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8 Attorneys for Complainant
9 Department of Managed Health Care

10 BEFORE THE DEPARTMENT OF MANAGED HEALTH CARE
11 IN AND FOR THE STATE OF CALIFORNIA
12

13 IN THE MATTER OF:

Enforcement Matter No.: 11-369

14 KAISER FOUNDATION HEALTH PLAN,
INC.,

REQUEST FOR DISCOVERY

15 Respondent.

(Gov. Code § 11507.6)

16
17 **TO RESPONDENT:**

18 The Department of Managed Health Care (“Complainant”) makes the following request under
19 section 11507.6 of the Government Code, which entitles the Complainant to certain information
20 concerning the Respondent’s case.

21 Pursuant to Government Code section 11507.6, the Complainant requests the following:

- 22 1. The names and addresses of all witnesses to the extent known by you, including but not
23 limited to, those intended to be called to testify at the hearing.
- 24 2. An opportunity to inspect and copy all of the following matters pursuant to Government
25 Code Section 11507.6 (a)-(f) that are in your possession, custody, or control:
 - 26 (a) A statement of any person, other than the respondent, who is named in the initial
27 pleading, or any additional pleading, when it is claimed that the respondent’s act
28 or omission as to this person is the basis for administrative proceeding;

- 1 (b) A statement pertaining to the subject matter of the proceeding made by any party
2 to another party or person;
- 3 (c) Statements of witnesses proposed to be called by respondent and of other persons
4 having personal knowledge of the acts, omissions, or events that are the basis for
5 the proceeding, not included in (a) or (b) above;
- 6 (d) All writings, including but not limited to, reports of mental, physical and blood
7 examinations and things which respondent then proposes to offer in evidence;
- 8 (e) Any other writing or thing that is relevant and would be admissible in evidence;
- 9 (f) Investigative reports made by or on behalf of the respondent, pertaining to the
10 subject matter of the proceeding, to the extent that these reports:
- 11 (1) Contain the names and addresses of witnesses or of persons having
12 personal knowledge of the acts, omissions, or events that are the basis for
13 the proceedings, or
- 14 (2) Reflect matters perceived by the investigator in the course of his or her
15 investigation, or
- 16 (3) Contain or include by attachment any statement or writing described in
17 (a) to (e) inclusive, or a summary thereof.

18 For the purpose of this Request for Discovery, "statements" include written statements by the
19 person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other
20 recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries
21 of these oral statements.

22 **YOU ARE HEREBY FURTHER NOTIFIED** that nothing in this Request for Discovery
23 should be deemed to authorize the inspection or copying of any writing or thing which is privileged
24 from disclosure by law or otherwise made confidential or protected as attorney's work product.

25 Your response to this Request for Discovery should be directed to the undersigned attorney
26 for the Complainant at the address on the first page of this Request **within 20 days from the date of**
27 **this Request.**

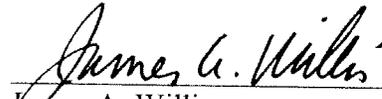
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1 This is a continuing request for any discoverable items that may come into the possession,
2 custody, or control of the Respondent at any time before or during the hearing.

3 Failure, without substantial justification, to comply with this Request for Discovery may
4 subject the Respondent to a motion to compel discovery and sanctions pursuant to the Government
5 Code, including without limitation, sections 11507.7 and 11455.10-11455.30.

6
7 Dated: February 27, 2012

8
9
10 By:



James A. Willis
Staff Counsel III (Specialist)
Office of Enforcement
Department of Managed Health Care

1 ANTHONY MANZANETTI
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10 BEFORE THE DEPARTMENT OF MANAGED HEALTH CARE
11 OF THE STATE OF CALIFORNIA

12 IN THE MATTER OF:

13 KAISER FOUNDATION HEALTH PLAN,
14 INC.,

15 Respondent.

Enforcement Matter Nos.: 11-369

**NOTICE AND ACKNOWLEDGEMENT OF
RECEIPT OF ORDER TO CEASE AND
DESIST UNLAWFULLY DENYING
PHYSICAL THERAPY, SPEECH
THERAPY, AND/OR OCCUPATIONAL
THERAPY.**

18 NOTICE

19 **TO: Maria Borje-Bonkowski**
20 **Director, HP Licensing/Submissions**
21 **Kaiser Foundation Health Plan, Inc.**
22 **2101 Webster Street, 8th Floor**
Oakland, CA 94612

23 This Order to Cease and Desist Unlawfully Denying Physical Therapy, Speech Therapy, and/or
24 Occupational Therapy (Order to Cease and Desist) is served pursuant to section 415.30 of the California
25 Code of Civil Procedure and Government Code section 11184(a). Failure to complete the attached
26 Acknowledgement form and return it to the Department of Managed Health Care within 20 days may
27 subject you (or the party on whose behalf you are being served) to liability for the payment of any
28 expenses incurred in serving an Order to Cease and Desist upon you in any other manner permitted by

- 1 -

1 law. If you are served on behalf of a corporation, unincorporated association (including partnership), or
2 other entity, this form must be signed in the name of such entity by you or by a person authorized to
3 receive service of process on behalf of such entity. In all other cases, this form must be signed by you
4 personally or by a person authorized by you to acknowledge receipt of the Order to Cease and Desist.
5 Code of Civil Procedure section 415.30 and Government Code section 11184(a) provide that this Order
6 to Cease and Desist is deemed served on the date of execution of this Acknowledgement of Receipt of
7 Order to Cease and Desist.

8
9 Dated: February 27, 2012

10
11 By: James A. Willis
12 James A. Willis
13 Staff Counsel III (Specialist)
14 Office of Enforcement
15 Department of Managed Health Care
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1 **ACKNOWLEDGEMENT OF RECEIPT OF ORDER TO CEASE AND DESIST**

2

3 **IN THE MATTER OF:**

4 **KAISER FOUNDATION HEALTH PLAN, INC.**

5 **ENFORCEMENT MATTER NOS.: 11-369**

6

7 This acknowledges receipt of the Order to Cease and Desist issued and noticed by the

8 Department of Managed Health Care on February 27, 2012.

9

10

11

12 Date: _____

(Signature of Person Authorized to Acknowledge
Receipt)

13

14

15

16 _____

(Printed Name of Person Signing Above)

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