BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA DEPARTMENT OF INSURANCE, PETITIONER, VS. KRISTI E. JETTON (NAIC Producer #16627156), RESPONDENT.	)))))))))))	CONSENT ORDER CAUSE NO. A-2202

In order to resolve this matter, the Nebraska Department of Insurance ("Petitioner"), by and through its attorney, Tracy A. Burns, and Kristi E. Jetton("Respondent") mutually stipulate and agree as follows:

JURISDICTION

1. Petitioner has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44.101.01, and 44-4047 to 44-4067.

2. Respondent has been licensed as a resident insurance producer under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. Petitioner initiated this administrative proceeding by filing a Petition captioned State of Nebraska Department of Insurance vs. Kristi E. Jetton (NAIC National Producer #16627156), Cause Number A-2202 on December 3, 2019. A copy of the Petition was properly served upon the Respondent at her registered business and residence address by certified mail, return receipt requested, and by regular U.S. mail. Respondent acknowledges receiving proper Notice of these proceedings.

2. Respondent is alleged to have violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(g) and 44-4059(1)(h), as follows:

a. Centers for Medicare and Medicaid ("CMS") allows genetic testing for cancer. There are regulations regarding testing which state, in part, "all diagnostic tests must be ordered by the physician who is treating … and who uses the results in management of the beneficiary's specific medical problem. Tests *not ordered by* the physician who is treating the beneficiary are *not reasonable and* necessary."

b. Between November 12, 2018, and April 30, 2019, Respondent held educational meetings at senior living facilities and retirement communities to promote genetic cancer testing via cheek swabs while working as an independent consultant for MedVantage Consulting, LLC. Medical necessity was determined by an independent contractor hired by MedVantage Consulting, LLC. The contractor had no prior knowledge of the consumers tested. Test results were provided to the Primary Care physician and/or the consumer.

c. On or about March 27, 2019, the Department promulgated a notice, "Beware of Scam in Swabbing Cheeks of Seniors for DNA Cancer Checks."

d. On or about July 23, 2019, the Department received a complaint regarding a cheek swab taken from an elderly person suffering memory loss/early onset dementia on March 14, 2019, at Rolling Hills Ranch Retirement Community. The complainant's daughter is Power of Attorney for the complainant. An Explanation of Benefits ("EOB") provided to the complainant showed the testing billed to Medicare at $10,042.10 was not paid for by Medicare or the Medicare supplement policy. In addition, the complainant could be billed up to $4,622.90 for the testing. Charges billed for the testing were denied by the Medicare supplement insurance carrier because the plan excludes services not allowed by Medicare. The complainant's daughter provided a flier that advertised the testing opportunity at Rolling Hills Ranch Retirement Community and Respondent's name was listed on the flier.

e. On or about July 25, 2019, the Department mailed inquiries to the Respondent.

f. On or about August 6, 2019, Respondent denied that she, the independent contractor, or Crestar Lab had any record of tests for the complainant.

3. Respondent was informed of her right to a public hearing. Respondent waives that right and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving her right to a public hearing, Respondent also waives her right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent neither admits nor denies the allegations related to Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(g) and 44-4059(1)(h).

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(g) and 44-4059(1)(h), and Respondent is subject to disciplinary action pursuant to Neb. Rev. Stat. §44-4059.

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Kristi E. Jetton, that:

1. Respondent agrees to pay an administrative fine of one thousand dollars ($1,000) within ninety (90) days of the adoption of this Consent Order by the Director. If Respondent fails to pay the amount required under this consent order, within the time specified, Respondent's insurance producer license will be immediately suspended, and that said suspension shall continue indefinitely until the administrative fine is paid in full.
2. Respondent will cease and desist from all activities related to promoting and/or obtaining cheek swabs for genetic testing.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signatures below.

Tracy A. Burns

Tracy A. Burns #25398
Attorney for Petitioner
1135 M Street, Suite 300
Lincoln NE 68501
(402) 471-2201

Jan. 21, 2020
Date

Kristi Jetton
Respondent

01/14/2020
Date

State of Nebraska)
) ss.
County of Lancaster)

On this 14 day of January, 2020, Kristi Jetton personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be her voluntary act and deed.

GENERAL NOTARY - State of Nebraska
ZACHARY SMITH
My Comm. Exp. October 16, 2023

Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Kristi Jetton (NAIC National Producer #16627156), Cause No. A-2202.

STATE OF NERBRASKA
DEPARTMENT OF INSURANCE

Bruce R. Ramge
Director of Insurance

1-21-2020
Date

GENERAL NOTARY - State of Nebraska
ZACHARY SMITH
My Comm. Exp. October 16, 2022

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to her registered business and residence address at 2320 N. 91st Street, Lincoln, NE 68507, by first class and certified mail, return receipt requested, on this 21st day of January, 2020.

Shelly Storie