

OCT 13 2020

FILED

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	CONSENT ORDER
	)	
PETITIONER,	)	
	)	
VS.	)	
	)	
Shemaiah Davis	)	CAUSE NO. A-2231
(NAIC Producer #18693494),	)	
RESPONDENT.	)	
	)	

In order to resolve this matter, the Nebraska Department of Insurance ("Petitioner"), by and through its attorney, Michael W. Anderson, and Shemaiah Davis ("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. Shemaiah Davis (NAIC National Producer #18693494), Cause Number A-2231 on September 3, 2020. A copy of the Petition was sent to the Respondent at his registered 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) (e), 44-4059 (1) (g), 44-4059(1) (h), 44-4059 (1) (j), 44-1524 (1), and 44-1525 (10), as well as CMS regulations 40.2, 50.3, and 100.4, as follows:

- a. On February 12, 2020, a consumer complaint was received by Petitioner on behalf of Sally Baird (Complainant), alleging that Respondent was going door to door at Complainant's independent living facility marketing the United Healthcare Dual complete plan. Complainant is blind, and was informed that the plan being sold by respondent was an extension of her Medicaid benefits. It was not explained to complainant that her Medicare supplement plan would be cancelled if she accepted the policy being sold by Respondent.
- b. On or about November 27, 2019, Complainant's disenrollment from the plan sold by Respondent was processed and accepted in favor of her Medicare Part D plan which had been dropped. It was also alleged that after this disenrollment, that Respondent attempted to contact Complainant in violation of (CMS) regulations.
- c. On February 14, 2020, Petitioner sent an inquiry to United Healthcare (UHC) seeking the producer name, NPN license number, and a producer statement on the matter.
- d. On March 6, 2020, a response from UHC was received, which included an investigative report from UHC's Compliance Investigations Unit (CIU). This CIU report made several findings that substantiated the original complaint.
  - i. The report found that Respondent met with Complainant on October 23, 2019, and signed a Scope of Appointment (SOA) form at this meeting in violation of CMS policy requiring an SOA to be signed in advance of such appointment.
  - ii. The report found that Respondent placed a call to the Producer Help Desk (PHD) on December 2, 2019 and was informed that Complainant had disenrolled from the plan sold to her by Respondent. Respondent attempted contact with the Complainant twice after being informed of such disenrollment.

iii. The report also found that the application submitted for the plan sold by Respondent was submitted electronically, with an e-signature of the complainant, who denies ever signing anything electronically. The original paper application with Complainants signature was located in Respondent's files during the CIU investigation.

e. As a part of the CIU investigation, the Respondent was interviewed as to these allegations, and admits that he contacted Complainant by phone in January 2020, but stated that he was not aware of her disenrollment until February 2020. This is directly contradicted by the PHD report supplied by UHC.

f. In his written statement, the Respondent admitted that it was common practice to obtain a paper application from applicants with a paper signature, and then personally printing the applicant's name on an electronic application.

3. Respondent admits the allegations in Paragraph 2

4. Respondent was informed of his 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 his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

#### CONCLUSIONS OF LAW

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



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. Shemaiah Davis (NAIC National Producer #18693494), Cause No. A-2231.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

Bruce R. Ramge

Bruce R. Ramge  
Director of Insurance

10-13-2020

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to his mailing address at 12208 Stonegate Drive Apartment 103, Omaha, Nebraska, 68164, by certified mail, return receipt requested, by regular U.S. mail, on this 13<sup>th</sup> day of October, 2020.

Shelley Stone