

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO: 21964-AG23-0316-052

IN THE MATTER OF: )  
 )  
Timothy Fitzpatrick )  
120 W. 12<sup>th</sup> Street )  
STE 1700 )  
Kansas City, MO 64105 )  
 )  
Respondent. )  
 )  
Type of Agency Action: Enforcement )  
 )  
License Number: 3654960 )

**FILED**  
**FEB 22 2024**  
STATE OF INDIANA  
DEPT. OF INSURANCE

**ADMINISTRATIVE ORDER AND**  
**NOTICE OF NONRENEWAL OF LICENSE**

The Indiana Department of Insurance (“Department”), pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.*, and Indiana Code § 27-1-15.6-12, hereby gives notice to Timothy Fitzpatrick (“Respondent”) of the following Administrative Order:

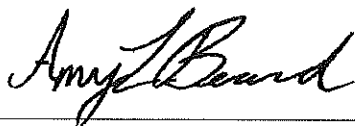
1. Respondent is a licensed nonresident insurance producer holding license number 3654960 (“Respondent’s license”) since April 6, 2021.
2. Respondent’s license expires on February 29, 2024.
3. On or around October 21, 2022, Respondent was terminated for cause by Humana Insurance Company (“Humana”) for engaging in fraudulent acts and practices, which includes falsifying insurance documents.
4. Respondent listed Respondent as the Power of Attorney on one-hundred and eleven (111) applications without obtaining a verbal signature and date to indicate agreement with acknowledgements, and enrolled these consumers without their consent.

5. A sample of thirteen (13) enrollment calls were reviewed by the Humana. In eleven (11) enrollment calls, Respondent did not obtain a verbal signature and date to indicate agreement with acknowledgements.
6. In one (1) enrollment call, the member stated that they wanted to stay with Humana, but Respondent enrolled the member into an AARP United Healthcare Plan without the member's consent. An application for the same member was submitted for the Humana Gold Plus by Respondent on the same day.
7. In another enrollment call, the member stated that the member had a Power of Attorney, and Respondent continued with the enrollment without asking if the member made their own healthcare decisions or inquiring about the Power of Attorney.
8. In five (5) enrollment calls, Respondent attempts to sell a hospital indemnity plan after completing the enrollments. The indemnity plan was not included in the Scope of Appointment for their enrollments, a violation of the Center of Medicare and Medicaid Services Final Rule 4190-F2.
9. Indiana Code § 27-1-15.6-12(b)(5) states, in part, that the Commissioner may refuse to renew an insurance producer license for intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.
10. Indiana Code § 27-1-15.6-12(b)(8) states, in part, that the Commissioner may refuse to renew an insurance producer license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

11. Indiana Code § 27-1-15.6-12(d) provides that when the Commissioner refuses to renew a license, the Commissioner shall notify the Respondent, in writing, of the reasons for the nonrenewal. This Order serves as that notice.
12. The Commissioner further notifies Respondent that, pursuant to Indiana Code § 27-1-15.6-12(d), Respondent may, within sixty-three (63) days of the mailing of this Order, make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.
13. This is considered an agency action. This action has been initiated by the aforementioned authority. If you choose to appeal this agency action, the State of Indiana Office of Administrative Law Proceedings ("OALP") will assign an administrative law judge to preside over this matter, and subsequently you will be contacted by the OALP with more information to begin the administrative process.

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **Respondent's license shall not be renewed** due to the nature of Respondent's termination for cause, which involved dishonest practices.

02.22.2024  
Date Signed

  
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Amy L. Beard, Commissioner  
Indiana Department of Insurance

Distribution:

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