

TENNESSEE REGULATORY AUTHORITY



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460 James Robertson Parkway
Nashville, Tennessee 37243-0505

MEMORANDUM

To: Chairman Eddie Roberson
Director Sara Kyle
Director Mary Freeman

From: Carsie Mundy, Chief-Consumer Services Division *CSM*
Gary Hotvedt, Counsel *GH*

Date: March 19, 2009

Re: March 30, 2009 TRA Conference

**Show Cause Proceeding Against Healthcare Advantage LLC/The Select Group/
Chris Wiggins
Docket No. 09-00036**

Recommendation:

Appoint General Counsel, or his designee, as Hearing Officer in this matter for the purpose of: (1) issuing a Show Cause Order; and (2) preparing this matter for hearing.

Background

During the period of April 25, 2007 through July 11, 2008, the Consumer Services Division ("CSD") received 130 complaints from 69 Tennessee consumers against Healthcare Advantage LLC ("Healthcare Advantage") alleging violations of Tenn. Code Ann. §§ 65-4-501 - 506 also known as the Do-Not-Fax law (see attached appendix). The CSD Staff opened an investigation that ultimately led to negotiations between the CSD and Healthcare Advantage and The Select Group ("Select"). During those negotiations Healthcare Advantage and Select refused to provide certain information requested by the CSD Investigative Staff, leaving no recourse other than formal action.

Recommendation

Because Healthcare Advantage and Select failed to fully cooperate during the investigation, the Investigative Staff consisting of Charles Pemberton, Gary Hotvedt, Gloria Ananaba and Carsie Mundy, recommends that the Authority appoint General Counsel, or his designee, as Hearing Officer in this matter for the purpose of: (1) issuing a Show Cause Order to determine why the Tennessee Regulatory Authority should not sanction Healthcare Advantage and Select for alleged violations of Tenn. Code Ann. §§65-4-501 - 506; and (2) preparing this matter for hearing.

Attachments: 1

cc: George R. Katosic, Counsel for Healthcare Advantage/Select Group
Docket File

APPENDIX

VIOLATION DATES

Complainants who were sent unsolicited facsimile advertisements:

| | |
|---|---|
| 1. Alan Abrams | 3/11/08 |
| 2. Anne West & John R. Browning, Jr. | 4/10/08, 4/18/08 |
| 3. Arlene Matthai | 3/24/08 |
| 4. Austin's Hallmark | 5/13/08 |
| 5. Bradley Rule DBA B. Rule & Company | 5/2/08, 5/13/08, 6/2/08 |
| 6. Brooks R. Smith | 4/24/08, 5/5/08, 5/14/08 |
| 7. Bryant Sales Company, LLC | 5/16/07, 5/30/07 |
| 8. Buhrman, Maddux & Buhrman | 3/21/08, 5/20/08 |
| 9. Charles and Susan Burnett | 4/24/08 |
| 10. Cheryl L. Rodgers | 6/2/08 |
| 11. Cumberland Emerging Technologies | 2/4/08 |
| 12. Damon W. Byrd | 5/13/08 |
| 13. Dan G. Smith | 4/30/08, 5/28/08 |
| 14. Davy Gentry Construction | 4/23/08 |
| 15. Delta Data Systems | 4/3/08 |
| 16. Diane Haston Gray | 2/21/08 |
| 17. Dickson Co. Chamber of Commerce | 11/8/07 |
| 18. Donelson Animal Hospital | 4/27/07 |
| 19. Donelson Preschool Child Care | 5/19/08 |
| 20. ExtendLife, Inc. | 11/19/07, 3/24/08 |
| 21. Fredia Carr | 3/18/08 |
| 22. Gerri Peterson | 3/12/08 |
| 23. Harmony Adoptions of TN, Inc. | 5/7/07 |
| 24. Harold Curtis Fry III | 2/25/08 |
| 25. Hermitage Family and Cosmetic Dentistry, P.C. | 8/28/06 |
| 26. James D. Brawner | 6/17/08 |
| 27. James E. Keeton, Jr. | 10/25/07, 11/30/07, 1/22/08 |
| 28. Janet Marie McIntyre | 5/8/08 |
| 29. Joe Lynn Spann | 3/3/08, 3/12/08, 3/17/08, 3/31/08, 4/22/08, 4/30/08, 5/19/08, 5/28/08 |
| 30. John Morris Associates Inc. | 1/29/08 |
| 31. John E. and Jo M. Peckinpaugh | 3/5/08 |
| 32. K.S. Supply Co. | 10/30/07, 12/3/07, 1/15/08, 1/31/08, 2/13/08, 3/3/08, 3/17/08, 3/31/08, 4/22/08, 4/30/08, 5/12/08, 5/19/08, 5/28/08, 6/16/08 |
| 33. Kenneth M. Moore | 3/12/08 |
| 34. Knoxville's Community Development Corporation | 3/11/08, 4/16/08 |
| 35. Lareen J. Stevens | 3/12/08, 3/20/08 |
| 36. Linda M. Scully | 4/21/08 |
| 37. Lois Hammett | 3/17/08 |
| 38. Marvin Lynn Satterfield | 1/23/08 |
| 39. Mary S. Harmon | 7/1/08 |
| 40. Mary W. Jones | 1/25/08, 2/22/08, 3/4/08 |

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|---|---|
| 41. Melissa Jean Holman | 3/3/08 |
| 42. Micaela A. Fisher | 5/22/08, 6/24/08 |
| 43. Nashville Foods | 3/4/08 |
| 44. Ole Songs, Inc. | 3/19/08 |
| 45. Patricia W. Smith | 4/29/08 |
| 46. Paul Vago | 4/15/08 |
| 47. Peter G. Sloan | 3/17/08 |
| 48. Phyllis W. Shuptrine | 6/4/08, 6/4/08, 6/24/08 |
| 49. Physical Therapy Specialists | 4/27/07 |
| 50. Plateau Properties, Inc. | 4/25/07 |
| 51. Rachael Mimms | 3/31/08 |
| 52. Randall Allen Davis | 11/7/07, 12/18/07, 1/8/08, 2/5/08, 2/14/08, 2/26/08, 3/5/08, 3/26/08, 4/24/08, 5/2/08, 5/13/08, 5/21/08, 7/11/08 |
| 53. Rob Hill | 1/31/08 |
| 54. Rogersville Police Department | 2/21/08, 3/10/08, 3/17/08 |
| 55. Sarah G. Keefer | 10/30/07, 12/18/07 |
| 56. Small Systems, Inc. | 4/24/08 |
| 57. Southern Properties Group | 5/2/07 |
| 58. State Representative Mike McDonald | 6/2/08 |
| 59. Terry Fischer | 5/2/08 |
| 60. Texas RioGrande Legal Aid, Inc. | 5/20/08, 5/29/08, 6/30/08 |
| 61. The Flower Girls | 2/4/08, 2/14/08 |
| 62. The Ink Spot Printing | 3/24/08, 4/24/08 |
| 63. The State of Tennessee, Office of the Attorney General | 5/11/07, 3/10/08, 4/14/08, 4/29/08 |
| 64. Thomas Cook Wyllly III | 3/6/08 |
| 65. Thomas H.Kevil | 2/12/08 |
| 66. Thomas V. Holmes | 3/11/08, 3/5/08 |
| 67. Vadco, Inc. d/b/a Music City Septic/Grease Trap Service | 3/6/08 |
| 68. Valley Truck & Trailer | 5/2/08 |
| 69. Wayne Morris | 1/22/08 |