

STATE OF NEW JERSEY  
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

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Proceedings by the Commissioner of Banking )  
and Insurance, State of New Jersey, to fine )  
Diane Miller t/a Diane Miller Billing Services. )  
\_\_\_\_\_  
)  
)

**FINAL ORDER**

TO: Diane Miller t/a Diane Miller Billing Services  
546 Jackson Avenue  
Rahway, New Jersey 07065

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon issuance of Order to Show Cause No. E22-64 (the “OTSC”) alleging that Diane Miller t/a Diane Miller Billing Services (“Respondent”), may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, pursuant to N.J.S.A. 17B:27B-1, a third party billing service is defined as a person or entity that is paid by a health care provider to process claims or claims payments on behalf of the health care provider; and

WHEREAS, pursuant to N.J.S.A. 17B:27B-16 and N.J.A.C. 11:23-5.1(a), no person shall act as, offer to act as or hold himself out to be a third party billing service without being certified by the Commissioner; and

WHEREAS, pursuant to N.J.A.C. 11:23-5.1(b), all third party billing services shall obtain certification prior to operating in this State; and

WHEREAS, pursuant to N.J.S.A. 17B:27B-24, any third party billing service that violates N.J.S.A. 17B:27B-16 is subject to a civil administrative penalty in an amount not less than \$250 nor more than \$5,000 for each day that a third party billing service is in violation of the act;; and

WHEREAS, on July 28, 2022, the Commissioner issued the OTSC, alleging that Respondent violated various New Jersey insurance laws by as set forth in the following:

**ALLEGATIONS COMMON TO ALL COUNTS**

IT APPEARING, that on November 17, 2008, Diane Miller registered the trade name Diane Miller Billing Services in New Jersey, listing herself as the owner; and

IT FURTHER APPEARING, that Diane Miller t/a Diane Miller Billing Services commenced business as a third party billing service in New Jersey on or about June 1, 2017; and

IT FURTHER APPEARING, that Diane Miller is the owner of Diane Miller Billing Services; and

IT FURTHER APPEARING, that between June 1, 2017 and present, while not certified as a third party billing service, Respondent acted as a third party billing service and performed third party billing services for at least one New Jersey client; and

IT FURTHER APPEARING, that on December 1, 2021, Diane Miller t/a Diane Miller Billing Services submitted an application for certification to conduct third party billing services in New Jersey, which remains pending as incomplete; and

IT FURTHER APPEARING, that as the owner of Diane Miller Billing Services, Diane Miller knew of and/or directed the illegal acts alleged herein; and

IT FURTHER APPEARING, that because Respondent acted as a third party billing service without the required certification, she violated N.J.S.A. 17B:27B-16, N.J.A.C. 11:23-5.1(a), and N.J.A.C. 11:23-5.1(b); and

WHEREAS, Respondent was given notice of the aforesaid charges and an opportunity to contest the charges at a hearing pursuant to the OTSC; and

WHEREAS, as set forth in the Certification of Chandra M. Arkema, attached as Exhibit A, on August 4, 2022, the OTSC was sent by certified and regular mail to the last known residential address of Respondent at 546 Jackson Avenue, Rahway, New Jersey 07065; and

WHEREAS, mailing of the OTSC by regular and certified mail to the residential address of Respondent, based on public records searches, the non-return of the regular mail and the return of the certified mail as unclaimed, constitute lawful service, pursuant to N.J.A.C. 11:17D-2.1(a)(3);

WHEREAS, Respondent failed to provide written responses to the charges contained in the OTSC within 20 days as provided by N.J.A.C. 11:17D-2.1(d)(1), and therefore has waived her rights to a hearing to contest these charges and the charges deemed admitted, pursuant to N.J.A.C. 11:17D-2.1(b)(1);

WHEREAS, Respondent showed bad faith by operating as a third-party biller without being certified to do so, which prevent the Commissioner's oversight of Respondent's activity. She provided no evidence of inability to pay a civil penalty. Respondent's misconduct occurred over the period of June 1, 2017, to present.

**NOW, THEREFORE, IT IS on this**   4   **day of**   October  , **2022,**

**ORDERED,** that the charges contained in the OTSC are deemed admitted by Respondent due to her failure to respond to the charges, pursuant to N.J.A.C. 11:17D-2.1(b)(1); and

**IT IS FURTHER ORDERED** that, based upon the facts and analysis above, Respondent shall be responsible for the payment of civil penalties to the Division of Insurance Enforcement

totaling four hundred eleven thousand dollars (\$411,000) based on the minimum daily penalty of \$250 per day for the violations of the insurance laws cited above; and

IT IS FURTHER ORDERED, that Respondent shall pay the above penalty totaling \$411,000 by remitting full payment to the Commissioner of Banking and Insurance, State of New Jersey, 20 West State Street, P.O. Box 329, Trenton, New Jersey 08625, Attention: Virgil Downtin, Chief of Investigations by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury," within ten (10) days from the date of service of this Order; and

IT IS FURTHER ORDERED, that in the event full payment of the penalty is not made, the Commissioner may exercise any and all remedies available by law, including but not limited to recovery of any unpaid penalties, in accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to -12; and

IT IS FURTHER ORDERED, that the civil penalty in this Final Order is imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of the public health, safety and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding; and

IT IS FURTHER ORDERED, that the provisions of this Final Order represent a final agency decision and constitute a final resolution of the allegations contained in the OTSC.



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Marlene Caride  
Commissioner