

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, )  
)

**ORDER TO SHOW CAUSE**

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

THIS MATTER, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information 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 no more than \$5,000 for each day that a third party billing service is in violation of the act; and

**COUNT ONE**

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 a 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

NOW, THEREFORE, IT IS on this 28 day of July, 2022,

ORDERED, that Respondent appear and show cause why the Commissioner should not assess a civil penalty in an amount not less than \$250 no more than \$5,000 for each day Respondent was in violation of N.J.S.A. 17B:27B-16, pursuant to the provisions of N.J.S.A. 17B:27B-24; and

IT IS FURTHER ORDERED, that Respondent has the right to request an administrative hearing, to be represented by counsel or other qualified representative, at her own expense, to take testimony, to call or cross-examine witnesses, to have subpoenas issued, and to present evidence or argument if a hearing is requested; and

IT IS FURTHER ORDERED, that unless a request for a hearing is received within twenty (20) days of the service of this Order to Show Cause, the right to a hearing in this matter shall be deemed to have been waived by Respondent, and the Commissioner shall dispose of this matter in accordance with law. A hearing may be requested by mailing the request to Virgil Downtin, Chief of Investigations, Department of Banking and Insurance, P.O. Box 329, Trenton, New Jersey 08625, or by faxing the hearing request to the Department at (609) 292-5337. A copy of the request for a hearing shall also be sent to Deputy Attorney General Chandra M. Arkema at: Division of Law, P.O. Box 117, Trenton, NJ 08625, fax (609) 777-3503. The request shall contain the following:

- (a) Respondent's full name, current address, and daytime telephone number;
- (b) A statement referring to each charge alleged in this Order to Show Cause and identifying any defense intended to be asserted in response to each charge. Where the defense relies on facts not contained in the Order to Show Cause, those specific facts must be stated;
- (c) A specific admission or denial of each fact alleged in this Order to Show Cause. Where the Respondent has no specific knowledge regarding a fact alleged in the Order to Show Cause, a statement to that effect must be contained in the hearing request. Allegations of this Order to Show Cause not answered in the manner set forth above shall be deemed to have been admitted; and

(d) A statement requesting the hearing.

A handwritten signature in blue ink that reads "M. Caride".

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Marlene Caride  
Commissioner