

Cause No. GV-204523

STATE OF TEXAS

vs.

AMCARE HEALTH PLANS OF TEXAS,
INC. AND AMCARE MANAGEMENT, INC.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

200th JUDICIAL DISTRICT

**Application for Authority to Destroy, Donate or Recycle
Unnecessary Records and Other Items**

TO THE HONORABLE JUDGE OF THIS COURT:

Comes now, Jean Johnson, Special Deputy Receiver of AmCare Health Plans of Texas, Inc. and AmCare Management, Inc. (hereafter "the SDR"), and files this *Application for Authority to Destroy, Donate or Recycle Unnecessary Records and Other Items*, and respectfully shows the Court the following:

I. AUTHORITY

AmCare Health Plans of Texas, Inc. and AmCare Management, Inc. were placed in permanent receivership on January 21, 2003 by this Court's order, and Jean Johnson was appointed as SDR. The SDR is authorized to file this Application pursuant to TEX. INS. CODE ANN. art. 21.28 §§ 2(e), 2(g), 11(d), and 11(e), which provide that the SDR is to conduct the business of the estate, dispose of its personal property, maintain its records, and dispose of obsolete and unnecessary records. The subject matter of this Application has been referred to the Special Master appointed in this proceeding in accordance with Paragraph III, sections 4, 5, and 15 of the *Order of Reference To Master* entered on December 16, 2002.

FILED #8

2003 FEB 24 PM 3:30

Jean Johnson
SPECIAL DEPUTY RECEIVER
TRAVIS COUNTY, TEXAS

II. BACKGROUND

Since the inception of these receivership proceedings and the SDR's appointment, the SDR has maintained possession of all company records that she secured upon takeover. The SDR directed her staff to prepare an inventory and catalog of the records in accordance with TEX. INS. CODE ANN. art. 21.28, § 11(d). Currently, the records are kept in the Houston office of AmCare, but the SDR must vacate the offices by March 31, 2003, and move the records to her Dallas storage facility.

Attached hereto as Exhibit A and incorporated herein by reference as if fully set out is a list of 393 boxes of records and other items, which the SDR has determined to be obsolete and unnecessary to the administration of the receivership estates. The records include blank forms, provider directories, books, excess copies of benefit summaries, various health-related booklets, brochures, pamphlets, directories, and reference books, and other written material. The SDR will retain sample copies of each of the items, and proposes to destroy or recycle the excess records.

One of the boxes contains postage-paid envelopes. The SDR obtained a refund of the postage from the U. S. Postal Service, so the envelopes cannot be used.

The inventory includes items of company property that were kept in the company records the SDR secured upon takeover pursuant to TEX. INS. CODE ANN. art. 21.28, §2(g). Exhibit A shows items that the SDR considers unnecessary to the administration of the estates, but which cannot be sold. Among these are boxes of promotional materials that bear the AmCare name and logo prominently displayed. These items include toys, small first aid kits, umbrellas, foam squeeze balls, plastic tote bags, pens, and other promotional items. They are in new and useable condition, but cannot be sold with the name and logo on them. Many of these items would be

useful to *bona fide* non-profit charitable organizations that will accept donations of goods, but would not use them in a commercial context. The SDR proposes to donate these items to non-profit charitable organizations as appropriate, given the nature of the item, such as battered women's centers, youth groups, and similar institutions. If they cannot be donated, the SDR proposes to destroy or recycle them.

III. BASIS FOR APPLICATION

The SDR examined the boxes of records and other items, and checked a random sampling of the boxes, as shown by her sworn affidavit, which is attached hereto as Exhibit B and incorporated by reference as if fully set out. The SDR concurs with the findings of her staff and determines that the records and items shown in Exhibit A are unnecessary to the administration of the estates. The SDR also determines that it is in the best interest of the estates to destroy, donate or recycle them, because the estates will not incur expenses to move the boxes of unnecessary records and items from Houston and store them in the SDR's Dallas facility. Consequently, the SDR asks for the Court's authority to destroy, donate or recycle the records and items shown in Exhibit A. TEX. INS. CODE ANN. art. 21.28, §§ 2(g) and 11(e).

IV. NOTICE

The SDR has provided notice of the submission of this Application to all known parties of interest shown on the certificate of service.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the SDR respectfully requests that this Court enter an order authorizing her to:

1. Destroy, donate, or recycle the records and items shown in the attached Exhibit A; and
2. Execute any documents necessary to effectuate the purpose of this Application.

Respectfully submitted,

AMY JEANNE WELTON

Attorney at Law

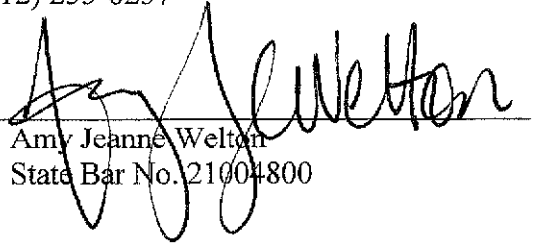
3214 Raging River Drive

Austin, TX 78728-4386

phone: (512) 246-9707

fax: (512) 255-6237

By: _____


Amy Jeanne Welton
State Bar No. 21004800

DAVID M. DILLON, P.C.

David M. Dillon

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Buda, Texas 78610

Telephone: (512) 312-1850

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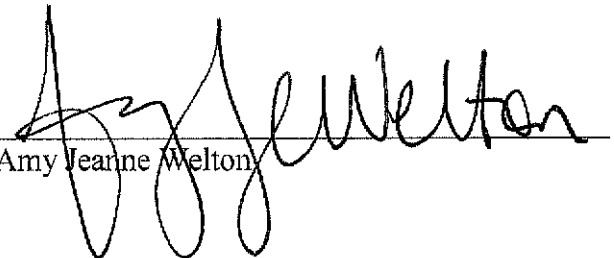
**Attorneys for Jean Johnson, Special Deputy
Receiver of AmCare Health Plans of Texas, Inc.
and AmCare Management, Inc.**

Notice of Hearing by Submission

Pursuant to the terms of the Order of Reference to Master entered by the District Court in this cause, the *Application for Authority to Destroy, Donate or Recycle Unnecessary Records and Other Items* is hereby set for written submission before the Special Master, Tom Collins, on March 10, 2003.

The Special Master has asked that the following rules be provided to you:

1. Any objection must be filed with the Travis County District Clerk at least seven calendar days before the hearing date.
2. A copy of any objection shall be served by such date on:
 - (a) The Special Master's Docket Clerk, Ms. Jean Sustaita, Texas Department of Insurance, (HAND DELIVERY) 333 Guadalupe, Hobby Tower III, 5th Floor, Room 260-C, Austin, Texas; or (MAIL) P.O. Box 149104, Austin, Texas 78714-9104; and
 - (b) All interested parties, including those listed on the Applicant's Certificate of Service and the undersigned counsel.
3. The objecting party shall coordinate with opposing counsel and the Docket Clerk (512/463-6450) to obtain an oral hearing setting the argument on the Application and Objection, and complete and attach an "Objecting Party's Notice of Oral Hearing" to the objection.
4. The written objection must specifically list all reasons for objection with supporting references to and discussion of statutory and case authorities. Reasons not stated in writing will not be considered orally.
5. Failure to file timely a written objection before the Special Master constitutes a waiver of the right to object to the Special Master's recommendation to the District Court.
6. Any Acknowledgment of Notice and Waiver of Objection to be filed by an insurance guaranty association or other interested party should be filed at least three calendar days before the submission or hearing date.


Amy Jeanne Welton

Box Number	Contents
D1	Evidence of Coverage Booklets (EOC)
D2	EOC Booklets
D3	EOC Booklets
D4	EOC Booklets
D5	Post Enrollment Packets
D6	Post Enrollment Packets
D7	Post Enrollment Packets
D8	Post Enrollment Packets
D9	Benefit Summary, Provider Directory, Member Material
D10	Provider Directory
D11	Provider Directory
D12	Post Enrollment Packets
D13	EOC booklets
D14	Envelopes
D15	Envelopes
D16	IPA Directories
D17	EOC Booklets, Provider Directories
D18	Post cards and IPA Directories
D19	Post Enrollment Packets
D20	EOC Booklets
D21	EOC Booklets
D22	Post Enrollment Packets
D23	Post Enrollment Packets
D24	Amc Letterhead
D25	Amc Letterhead
D26	Amc Letterhead
D27	File Folders Empty
D28	File Folders Empty
D29	Disenrollment Forms
D30	Amc Envelopes
D31	Amc Envelopes
D32	Amc Envelopes
D33	Enrollment Forms
D34	Amc Envelopes
D35	Amc Letterhead
D36	Plain Paper 11"x17"
D37	Amc Letterhead
D38	Amc Letterhead
D39	Amc Letterhead
D40	EOC Booklets
D41	EOC Booklets
D42	EOC Booklets
D43	EOC Booklets
D44	EOC Booklets
D45	EOC Booklets
D46	EOC Booklets
D47	EOC Booklets
D48	File Folders
D49	Benefit Summary
D50	Amc Envelopes

Box Number	Contents
D51	EOC Booklets
D52	Provider Directory
D53	EOC Booklets
D54	EOC Booklets
D55	Provider Directory
D56	Rx-Direct Pamphlets
D57	Amc Envelopes
D58	EOC, Medicare Mailout
D59	Envelopes and Post enrollment packets
D60	Medicare Mailout
D61	Medicare Mailout
D62	Provider Directory
D63	Rx-Direct Pamphlets
D64	Member Mailout
D65	Amc Envelopes
D66	Amc Envelopes
D67	Medicare and You Booklet
D68	Provider Directory
D69	Provider Directory
D70	Medicare and You Booklet
D71	Election Forms, Health Q&A
D72	Election Forms
D73	Election Forms
D74	Amc Envelopes
D75	Medicare Mailout
D76	Amc Letterhead
D77	Medicare Disenrollment Forms
D78	Medicare Disenrollment Forms
D79	Enrollment Forms
D80	Enrollment Forms
D81	Enrollment Forms
D82	Enrollment Forms
D83	Enrollment Forms
D84	Meeting Questionnaire
D85	Medicare Disenrollment Forms
D86	Medicare Disenrollment Forms
D87	Medicare Disenrollment Forms
D88	Post Enrollment Packets
D89	Provider Directory
D90	Provider Directory
D91	Amc Envelopes
D92	Vision Service Plan Mailers and Brochures
D93	Amc Envelopes
D94	Amc Envelopes
D95	Amc Envelopes
D96	Amc Envelopes
D97	Amc Envelopes
D98	Amc Envelopes, Provider directories, Summary of benefits and post enrollment packets
D99	Postage Paid Envelopes
D100	EOC Booklets

Box Number	Contents
D101	Rx-Direct Pamphlets
D102	EOC Booklets
D103	Direct access booklets
D104	Member handbooks
D105	Enrollment Packets & Newspaper Articles
D106	Legal Paper
D107	Legal Paper
D108	Legal Paper
D109	Legal Paper
D110	3-hole Paper and provider directory
D111	Amc Envelopes
D112	Amc Envelopes
D113	Provider Directory
D114	Benefit information
D115	Production proof health plan
D116	Provider Directory
D117	Summary of Benefits
D118	Amc Envelopes
D119	Amc Envelopes
D120	Summary of Benefits
D121	Amc Envelopes, EOC, Summary of Benefits
D122	Medical Terminology Books
D123	Amc Envelopes
D124	Benefit Packets
D125	Benefit summary booklets
D126	Provider Directory and mailout
D127	Member Mailout
D128	Amc Newsletter
D129	Benefit summary booklets
D130	Provider Directory
D131	Benefit Packets
D132	Provider Directory
D133	Phone Books & Envelopes
D134	Blank Paper with Holes/White
D135	Letterhead, colored paper & work orders
D136	Provider Directories and folders
D137	Legal Paper/Reams
D138	Phone Books
D139	Phone Books
D140	Folders, letterhead and paper
D141	Blank Paper, Rx Mailer and folders
D142	Quick Tips Mailer
D143	Rx-Direct Pamphlets
D144	Rx-Direct Pamphlets
D145	Member Mailout
D146	Benefit Packets
D147	Rx-Direct Pamphlets
D148	Breast Exam Leaflets, envelopes and folders
D149	Amc Envelopes, disease mgmt. Pkts, Med. Mailout

Box Number	Contents
D150	Interoffice envelopes, Benefit Summaries, Folders
D151	Pap Smear Pamphlets
D152	Quick Tips Mailer
D153	Quick Tips Mailer
D154	Pap Smear Pamphlets
D155	Phone Books, Magazines, Catalogs
D156	Benefit Packets, EOC, Provider Directory
D157	Breast Exam Leaflets
D158	Letterhead, colored paper, breast exam leaflets
D159	Legal Paper
D160	Legal Paper and large envelopes
D161	Phone Books
D162	Envelopes, Legal Paper
D163	Amc Letterhead
D164	Legal Paper
D165	Amc Envelopes
D166	Blank Paper
D167	Blank Paper and envelopes
D168	Envelopes,
D169	Envelopes,
D170	Paper, Provider Directory
D171	Legal Paper
D172	Vendor Supply Books, Magazines
D173	Envelopes, Blank Paper
D174	Envelopes
D175	Co-payment schedules
D176	Co-payment schedules
D177	Provider Directory
D178	Provider Directory
D179	Certificate of coverage/Pamphlet/PPO
D180	Provider Directory
D181	Health Tips Pamphlet
D182	Health Tips Pamphlet
D183	Health Tips Pamphlet
D184	Health Tips Pamphlet, Teeth Care, Bike Safety
D185	Plain Paper, folders and Dividers
D186	Healthcare Check-Up
D187	Healthcare Check-Up
D188	Health Tips Pamphlet
D189	Health Tips Pamphlet
D190	Health Tips Pamphlet
D191	Group Data Health Forms
D192	Enrollment Envelopes
D193	Mailers and envelopes
D194	Post Cards
D195	Provider Directory
D196	Summary of Benefits and prescription drug rider forms
D197	EOC Booklets
D198	Plastic Bags

Box Number	Contents
D199	Bicycle Safety Pamphlets and laminating pouch film
D200	Post Cards
D201	Shipping Boxes
D202	Shipping Boxes
D203	Shipping Boxes
D204	Health Pamphlets
D205	Wellness Guide
D206	Medical Transportation Guide
D207	Summary of Benefits
D208	EOC Booklets
D209	Summary of Benefits
D210	Provider Directory
D211	Provider Directory
D212	Provider Directory
D213	Provider Directory
D214	Provider Directory
D215	Provider Directory
D216	Provider Directory
D217	Provider Directory
D218	Provider Directory
D219	Provider Directory
D220	Provider Directory
D221	Provider Directory
D222	Waiver of Coverage Forms/Envelopes
D223	Waiver of Coverage Forms
D224	Poison Prevention Cards & Pencils
D225	Enrollment forms
D226	Benefit information booklet
D227	Amc Envelopes
D228	Summary of Benefits and questioners
D229	Summary of benefits
D230	Plastic Bags
D231	Amcare Pens
D232	Amcare Pens
D233	Amcare Pens
D234	Parent's Magazine
D235	Breast feeding Pamphlets and magazines
D236	Stroller safety pamphlets
D237	Amcare cups
D238	Medicare Pamphlets
D239	Blue books and Co-payments schedules
D240	AmCare Plastic Bags
D241	AmCare Plastic Bags
D242	AmCare Plastic Bags
D243	Provider Directories
D244	smile stickers
D245	Summary of benefits
D246	Wellness Guide
D247	AmCare Plastic Bags
D248	Provider Directories

Box Number	Contents
D249	Amcare cups
D250	AmCare Plastic Bags
D251	Trick or treat bags
D252	Prescription drug guides
D253	Co-payment schedules
D254	Co-payment schedules
D255	Prescription riders and data collection tools books
D256	Co-payment schedules
D257	AmCare Plastic Bags
D258	Provider directories additions
D259	AmCare logo Band-Aids
D260	AmCare logo Band-Aids
D261	AmCare logo Band-Aids
D262	AmCare logo Band-Aids
D263	AmCare logo Band-Aids
D264	AmCare logo Band-Aids
D265	AmCare logo Band-Aids
D266	AmCare logo Band-Aids
D267	AmCare logo Band-Aids
D268	AmCare logo Band-Aids
D269	AmCare logo Band-Aids
D270	AmCare logo Band-Aids
D271	AmCare logo Band-Aids
D272	AmCare Squeeze Balls
D273	AmCare Squeeze Balls
D274	Mailers and envelopes
D275	Mailers and envelopes
D276	AmCare Plastic Bags
D277	AmCare Magnets, AmCare Beach Ball
D278	Video Tapes, Oral Health Training, Pamphlets, Roll of Stickers and badge punch.
D279	Provider Directories
D280	Envelopes
D281	AmCare Plastic Bags
D282	AmCare Plastic Bags
D283	AmCare Plastic Bags
D284	AmCare Plastic Bags
D285	AmCare Plastic Bags
D286	Provider Directories
D287	Handouts, Provider Directories and poison information.
D288	Member Handouts
D289	Summary of Benefits and change forms
D290	Summary of Benefits and member information
D291	Co-payment schedules
D292	Envelopes
D293	Member Handbooks
D294	Member Handbooks
D295	Member Handbooks
D296	Member Handbooks

Box Number	Contents
D297	Member Handbooks
D298	Member Handbooks
D299	11"x 17" Envelopes
D300	11"x 17" Envelopes
D301	11"x 17" Envelopes
D302	11"x 17" Envelopes
D303	Hanging File Folders
D304	Hanging File Folders
D305	Hanging File Folders
D306	Hanging File Folders
D307	Hanging File Folders
D308	Hanging File Folders
D309	Pressboard Files Folders/Blank
D310	Chip Clips Magnets
D311	Umbrellas Amerihealth
D312	Umbrellas Amerihealth
D313	Umbrellas Amerihealth
D314	Umbrellas Amerihealth
D315	Hanging File Folders, Colored Paper, Blank Paper
D316	Post Enrollment Packets
D317	ICD-9-CM Code Books
D318	Procedural Terminology Books
D319	Procedural Terminology Books
D320	Texas Medicaid Prov. Procedures Manual
D321	UTMB OR Packets
D322	Phone Books, Envelopes
D323	Red Book, TX Medical Service Delivery Guide, Coordination of Benefits for AmeriHealth, Coordination of Benefits Handbook, Webster Dictionary, Empty Envelopes
D324	Physicians' Desk Reference Books
D325	Texas Medicaid Prov. Procedures Manual, Case Management Resource Guide, Red Books, PUP Books, HCPCS Books, HCPCS Books, HCPCS Fast Finders, Federal Register Book
D326	Texas Administrative Code Books, Texas Insurance Code Book, Relative Value for Physicians Books, Impromptu Books, Drug Facts and Comparisons Book, DRG Guidebook
D327	ICD-9-CM Code Books
D328	Padded Mailers
D329	Padded Mailers
D330	Padded Mailers
D331	Padded Mailers

Box Number	Contents
D332	2001 Texas Medicaid Provider Proc. Manual, Branding Health Services Book, Insurance Ratings-1994, Weiss Ratings, Inc.-2000, Quality Profiles - Pfizer, The intersudy Competitive Edge Part1, 2 - Industry Report, The Interstudy Competitive Edge Part 1 & 2-HMO Industry Report, Weiss Rating Guide to HMO's Summer 2000, Fall 2000, Winter 2000-2001, Spring 2001
D333	Large Envelopes
D334	Large Envelopes
D335	Blank Forms
D336	Mixed Pamphlet Brochures
D337	Mixed Pamphlet Brochures
D338	Mixed Pamphlet Brochures
D339	Mixed Pamphlet Brochures
D340	Mixed Pamphlet Brochures Coverage Books and AmCare Welcome kits
D341	Mixed Pamphlets and brochures and Handouts
D342	Healthy Baby Kits and Mixed Pamphlets
D343	Welcome Kits Fertility Baby Kits and mixed handouts
D345	Amc envelopes and breast exam leaflet Healthy Baby Kits; Guide 4 Parents booklets, Letter head papers (AmCare)
D346	AmCare Envelopes and Pamphlets
D347	Amc health tip brochures
D348	Amc brochures and mixed handouts
D349	Magazines
D350	Magazines and welcome kits
D351	Magazines, welcome kits and brochures
D352	Amc stickers and mixed brochures
D353	Envelopes and Amc plastic bags
D354	Amc plastic bags
D355	3 boxes of crayons and Amc envelopes
D356	Referral forms, Amc letter heads and mixed brochures.
D357	Provider Directories, Evidence of coverage, brochures and letter head
D358	Provider Directories and Evidence of coverage
D359	Envelopes
D360	Brochures, toothbrushes, Amc stickers and plastic bags
D361	Magazines and Amc mixed brochures
D362	Page dividers
D363	Brochures and Magazines
D364	Provider Directories, Evidence of coverage, brochures and Amc plastic bags
D365	Brochures and envelopes
D366	Phone Books, Envelopes
D367	Pamphlets
D368	Provider directories

Box Number	Contents
D369	AmeriHealth brochures
D370	Texas legal directories and clinical practice guideline books
D371	Provider directories
D372	Envelopes
D373	Pamphlets, TDH- Ear infection and envelopes
D374	Envelopes, TX Medical provider procedures, community resource directory
D375	Enrollment packet envelopes
D376	Enrollment packet envelopes
D377	Enrollment packet envelopes
D378	Enrollment packet envelopes
D379	Enrollment packet envelopes
D380	Rx Direct envelopes
D381	Folders
D382	Plain colored photocopy paper
D383	Envelopes, folders and plain photocopy paper
D384	Multi-purpose plain paper
D385	Provider directories
D386	Enrollment packages
D387	Enrollment packages
D388	Plain colored photocopy paper
D389	Amc plastic bags
D390	Amc plastic bags
D391	Amc plastic bags
D392	Amc plastic bags
D393	Amc plastic bags

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

AFFIDAVIT

On this day before me, the undersigned authority, appeared Jean Johnson, who having been duly sworn, deposed and stated:

1. “My name is Jean Johnson. I am over 18 years of age and competent to make this Affidavit. The statements contained in this Affidavit are within my personal knowledge and are true.

2. “On January 21, 2003, AmCare Health Plans of Texas, Inc. and AmCare Management, Inc., which were placed in permanent receivership pursuant to the *Permanent Injunction and Order Appointing a Permanent Receiver* entered against AmCare in Cause No. GV-204523, *The State of Texas vs. AmCare Health Plans of Texas, Inc. and AmCare Management, Inc.*; in the 200th Judicial District Court of Travis County, Texas. The Court appointed the Texas Commissioner of Insurance as Permanent Receiver. I am the designated Special Deputy Receiver under contract to the Texas Commissioner of Insurance as Permanent Receiver of AmCare, and I am authorized to make this affidavit.

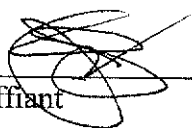
3. “AmCare Health Plans of Texas, Inc. and AmCare Management, Inc. were subsidiary companies of AmCareco, Inc., which is not in receivership. AmCare was affiliated with two other subsidiaries of AmCareco, Inc., AmCare Health Plans of Louisiana, Inc. and AmCare Health Plans of Oklahoma, Inc. AmCare Health Plans of Louisiana, Inc. is in receivership in that state, and AmCare Health Plans of Oklahoma is under the administrative control of the Oklahoma Department of Health due to insolvency.

4. “Upon taking over AmCare Health Plans of Texas, Inc. and AmCare Management, Inc. as required by the Court, I directed my staff and subcontractors to secure all of the records and property to be found within the offices and facilities of AmCare, and to prepare an inventory of all the records and property as required by TEX. INS. CODE ANN. art. 21.28.

5. “While preparing the inventory, my staff and subcontractors identified numerous boxes of records and promotional items that are obsolete or unnecessary to the administration of

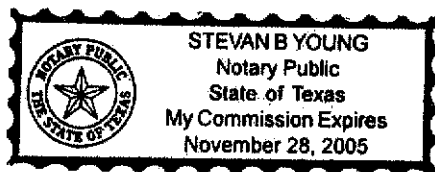
the estate. These items are listed in Exhibit A to the *First Application for Authority to Destroy, Donate or Recycle Unnecessary Records and Other Items*. I have read Exhibit A, and concur with the findings of my staff and subcontractors that these records and items are obsolete and unnecessary to the administration of the estates. It is my intent to destroy, donate or recycle these obsolete and unnecessary records and items in order to reduce the costs of the administration of this estate. To protect the interests of the Oklahoma and Louisiana estates, and any interested parties, I am retaining samples of the records and other items, to be kept in the records of this receivership estate until further direction of the Receivership Court.”

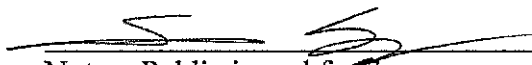
Further Affiant sayeth not.



Affiant

SIGNED AND SWORN TO before me on 2/21, 2003.





Notary Public in and for the
State of Texas

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing instrument was forwarded via email to the following persons on this the 24th day of February 2003:

Mr. James Kennedy
Special Counsel to the Receiver
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PRESIDENT, AMCARECO, INC.

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and AMCARE MANAGEMENT, INC.**

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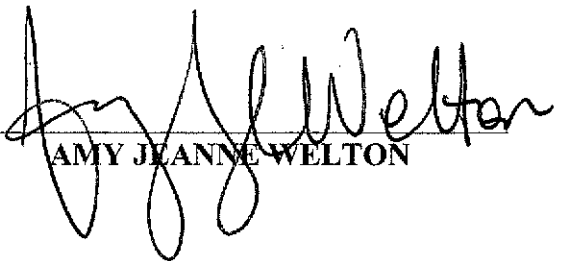
**ATTORNEY FOR HERMANN
MEMORIAL**

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OKLAHOMA INDEPENDENT MANAGER


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