

STATE OF NEW JERSEY  
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

\_\_\_\_\_  
Proceedings by the Commissioner of Banking )  
and Insurance, State of New Jersey, to fine )  
S.H.M.I. Collections Solutions LLC and Nicole )  
Ciemniecky )  
\_\_\_\_\_

CONSENT ORDER

TO: S.H.M.I. Collections Solutions, LLC  
c/o Nicole Ciemniecky  
17 Sleepy Hollow Drive,  
Milford, New Jersey 08848

Nicole Ciemniecky  
17 Sleepy Hollow Drive,  
Milford, New Jersey 08848

This matter, having been opened by the Commissioner of Banking and Insurance, State of New Jersey (“Commissioner”), upon information that S.H.M.I. Collections Solutions, LLC and Nicole Ciemniecky (collectively, “Respondents”), may have violated provisions of the New Jersey Third Party Billing Act, N.J.S.A. 17B:27B-1 to -25 (“Act”); 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. 11:1-12.2(a), active officers shall be held individually responsible for all insurance related conduct of the corporate licensee; 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

WHEREAS, on July 31, 2024, the Commissioner issued Order to Show Cause E24-44, alleging the following:

#### **COUNT ONE**

IT APPEARING THAT, S.H.M.I. Collections Solutions, LLC, was originally incorporated in New Jersey on May 24, 2018; and

IT FURTHER APPEARING THAT, S.H.M.I. Collections Solutions, LLC commenced business as a third party billing service in New Jersey on or about July 15, 2018; and

IT FURTHER APPEARING THAT, Nicole Ciemniecky (“Ciemniecky”) is the sole owner of S.H.M.I. Collections Solutions, LLC; and

IT FURTHER APPEARING THAT, as the sole owner of S.H.M.I. Collections Solutions, LLC, Ciemniecky knew of and/or directed the illegal acts alleged herein and is thus liable for the violations for that reason and under N.J.A.C. 11:1-12.2(a); and

IT FURTHER APPEARING THAT, between July 15, 2018 and the present, Respondents have acted as a third party billing service in New Jersey; and

IT FURTHER APPEARING THAT, between July 15, 2018 and August 16, 2022, while not certified as a third party billing service, Respondents performed third party billing services for at least one client in New Jersey; and

IT FURTHER APPEARING THAT, on August 16, 2022, Respondents submitted to the Commissioner an application for S.H.M.I. Collections Solutions LLC to be certified as a third party billing service; and

IT FURTHER APPEARING THAT, on September 29, 2022, S.H.M.I. Collections Solutions LLC was certified by the Commissioner as a third party billing service;

IT FURTHER APPEARING THAT, Respondents acted as a third party billing service in New Jersey when it was not certified as a third party billing service from July 15, 2018, to August 16, 2022, for a period of 1,493 days; and

IT FURTHER APPEARING THAT, because Respondents acted as a third party billing service in New Jersey without the required certification, they 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, Respondents admit and accept responsibility for the violation described above; and

WHEREAS, Respondents waived their right to a hearing on the aforementioned violation and consents to imposition of a civil penalty in the amount of \$5,000.00, jointly and severally, pursuant to N.J.S.A. 17B:27B-24; and

WHEREAS, this matter should be resolved upon the consent of the parties without resort to a formal hearing; and

WHEREAS, good cause exists to impose a civil penalty in this matter; and

NOW, THEREFORE, IT IS on this 23<sup>rd</sup> day of October 2024,

ORDERED AND AGREED that simultaneously with execution of this Consent Order by Respondents, they shall pay a civil penalty in the amount of \$5,000.00, jointly and severally, by certified check, official bank check, or money order made payable to the "State of New Jersey," which shall be sent to counsel for the Department; and

IT IS FURTHER ORDERED AND AGREED that Respondents shall cease and desist from engaging in the conduct that gave rise to this Consent Order, and from any other violations of the Act; and

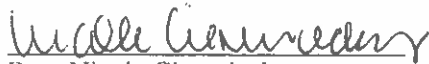
IT IS FURTHER ORDERED AND AGREED that the provisions of this Consent Order represent a final agency decision and constitute final resolution of the violations contained herein.

  
Justin Zimmerman  
Acting Commissioner

CONSENTED TO AS TO FORM, CONTENT AND ENTRY:

  
By: Nicole Ciemniecky

Date: 09-19-24

  
By: Nicole Ciemniecky  
(On behalf of S.H.M.I. Collections Solutions LLC)

Date: 09-19-24

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY  
Counsel for NJDOBI

  
By: Garen Gazaryan  
Deputy Attorney General

Date: 9/24/24