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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. HSA HEALTH INSURANCE COMPANY, Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2018-4016 Lisa Watts Baskin Presiding Officer

Complainant, Utah Insurance Department ("Department") and Respondent, HSA Health Insurance Company ("HSA"), have stipulated to entry of the following Findings of Fact, Conclusions of Law, and Order. Based upon that stipulation, and good cause appearing, the Presiding Officer makes and enters the following:

FINDINGS OF FACT

1. Respondent is a health maintenance organization holding license number 178065.

2. Respondent's mailing address is 10421 S. Jordan Gateway, Suite 550, South Jordan, UT 84095-3903.

3. On January 1, 2016, Respondent started offering stop-loss contracts to small employer

groups prior to filing the contracts for use with the Department.

4. The first stop-loss policy was issued to a small employer group on October 1, 2016; however, Respondent did not submit a filing to the Department until May 17, 2017.

5. Respondent issued unfiled stop-loss contracts to 42 small employer groups.

6. Respondent failed to file with the Commissioner the required 2016 Actuarial Memorandum and Certification on or before April 1, 2017.

7. Respondent failed to file a 2017 Actuarial Memorandum and Certification on or before April 1, 2018.

8. The Department and Respondent have agreed to an administrative forfeiture of $107,500.00.

CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner ("Commissioner") has jurisdiction over the parties and this adjudicative proceeding pursuant to Utah Code §§ 31A-1-105 and 31A-2-201.

2. The Commissioner has legal authority to impose penalties on the Department's licensees who violate the Utah Insurance Code. Utah Code § 31A-2-308.

3. Respondent's conduct violates Utah Code § 31A-43-302 and Utah Admin. Code R590-268-7.

4. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of $107,500.00.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that:

1. Respondent shall pay a forfeiture of $107,500.00 for the violations described in the Conclusions of Law.

2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

DATED this 24th day of August, 2018.

TODD E. KISER
Utah Insurance Commissioner

Lisa Watts Baskin
Presiding Officer
Utah Insurance Department

NOTICE TO RESPONDENT

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to $5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to $10,000 per day for continued violation. You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.