

HELEN A. FROHLICH #8814
Assistant Utah Attorney General
SEAN D. REYES #7969
Utah Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, Utah 84114-0874
Telephone: (801) 366-0375
hfrohlich@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. TOTAL DENTAL ADMINISTRATORS OF UTAH, INC., Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2019-4071 Lisa Watts Baskin Presiding Officer
---	---

Complainant, Utah Insurance Department ("Department") and Respondent, Total Dental Administrators of Utah, Inc., 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 organization holding license number 1603.
2. Respondent's mailing address is 6985 Union Park Center, Suite 675, Salt Lake City, Utah 84047.
3. Between July 2017 and July 2018, Respondent issued 777 policies containing early

termination language which stated that members agree to remain enrolled as a member of the group dental plan for a minimum of one year.

4. The Department objected to the language in SERFF filing no. TDAU-128832296 on January 16, 2013. At that time, the Department required Respondent to remove all early termination penalties and clauses from the policy.

5. Respondent added the “Early Termination Penalty” language back into the policy in July 2017 without filing it with the Department.

6. The Department and Respondent have agreed to an administrative forfeiture of \$50,000.00.

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 violated Utah Code § 31A-21-201(1)(a), by failing to file forms with the Commissioner, and Utah Code § 31A-23a-402(8)(a)(i), by adding early termination language back into the policy which may have led individuals to believe they needed to be on the plan for a minimum of one year.

4. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$50,000.00.

ORDER

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

that:

1. Respondent shall pay a forfeiture of \$50,000.00 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 31st day of January, 2019.

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.