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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. AMERICAN RETIREMENT LIFE INSURANCE COMPANY, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2022-4379 Donald H. Hansen Administrative Law Judge/Presiding Officer
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this agency action as an informal adjudicative proceeding against American Retirement Life Insurance Company (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and to Utah Admin. Code R590-160.

This agency action is based on the facts and law set forth in the attached Declaration and is designated as an informal adjudicative proceeding pursuant to Utah Code § 63G-4-202(1) and Utah Admin. Code R590-160-4 and -8.

ORDER

Based on the facts and the law set forth in the attached Declaration, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent shall forfeit to the Department the amount of \$1,500.00.
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Agency Action and Order is emailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.
3. A request for a hearing shall be in writing and sent by email to uidadmincases@utah.gov or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 3110 State Office Building, Salt Lake City, UT 84114. The request for hearing shall be signed by the person making the request and shall state the basis for the relief requested.
4. If you fail to request a hearing you will be bound by this Order. Failure to request a hearing will be deemed a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

DATED this 1st day of March, 2022.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen
DONALD H. HANSEN
Administrative Law Judge/Presiding Officer
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
Telephone: 801-957-9321
Email: uidadmincases@utah.gov

NOTICE REGARDING ENFORCEMENT OF THE ORDER

Failure to obey this Order may subject you to further penalties that include a forfeiture of up to \$2,500 per violation, with each day of the violation constituting a separate violation. Other penalties for failing to obey this Order may include license suspension, probation, refusal to renew, or revocation. Failure to obey this Order may also result in an action taken against you in a court of competent jurisdiction where forfeitures of up to \$10,000 for each day the failure to comply continues until judgment is rendered. If you are licensed in other jurisdictions, you may be required to report this proceeding in those jurisdictions.

DECLARATION

Under criminal penalty of Utah law, I, Carrie Backus, declare the following:

1. I am currently employed as a Market Conduct Examiner with the Utah Insurance Department (“Department”) where my responsibilities include investigating and enforcing Utah insurance laws.

2. I submit this Declaration as the basis for issuing the Notice of Informal Adjudicative Proceeding and Order against American Retirement Life Insurance Company (“Respondent”) to which this Declaration is attached.

3. Based on my personal knowledge and/or based on the facts appearing in the Department’s records and files, the following facts are true:

- a. Respondent is a life insurer domiciled in Ohio and authorized to do insurance business in Utah. Respondent’s Utah license number is 160026.
- b. Respondent issues Medicare Supplement products.
- c. Pursuant to Utah Admin. Code R590-146-14(B) and (C), Utah Admin. Code R590-146-22, and Utah Admin. Code R590-220-11(4), Respondent is required to file an annual Medicare Supplement Refund or Credit Calculation Report, Premium Rates Report, 2010 Medicare Supplement Rate and Enrollment Data (as applicable), and Multiple Policies Report, together as one filing called a Medicare Supplement Annual Report, on or before May 31 of each year.
- d. Respondent submitted a filing of its Medicare Supplement Annual Report on May 27, 2021. Due to errors related to completeness and compliance with filing submission requirements, the Department sent a notice requiring Respondent to correct the filing by June 2, 2021.

- e. Respondent did not correct the filing and it was rejected on June 3, 2021.
- f. Pursuant to Utah Admin. Code R590-220-5(3), rejected filings are not considered filed with the Department.
- g. On June 3, 2021, Respondent submitted a new filing of its Medicare Supplement Annual Report which was accepted on June 17, 2021.
- h. Respondent's compliant 2020 Medicare Supplement Annual Report filing was submitted after the deadline of May 31.
- i. Respondent was previously assessed a forfeiture of \$750.00 for failing to timely file its Medicare Supplement Reports for 2019. *See* Utah Insurance Department v. American Retirement Life Insurance Company, Docket No. 2021-4311, February 22, 2021.

4. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

a. Respondent violated Utah Admin. Code R590-146-14(B) and (C), Utah Admin. Code R590-146-22, and Utah Admin. Code R590-220-11(4) by not filing a compliant Medicare Supplement Annual Report by May 31, 2021.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violations should be \$1,500.00.

DATED this 28th day of February, 2022, at Salt Lake City, Salt Lake County, Utah.ca

/s/ Carrie Backus
Carrie Backus, Market Conduct Examiner
Utah Insurance Department

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing Notice of Agency Action and Order, with the Declaration attached to it, was emailed to:

Leslie Stalica
Cigna Legal

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and

Carrie Backus
Utah Insurance Department

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DATED this 1st day of March, 2022.

/s/ Jeanine Couser
Jeanine Couser
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
801-957-9321