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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. DENTAQUEST USA INSURANCE COMPANY, INC., Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2023-4525 Donald H. Hansen Administrative Law Judge/Presiding Officer
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Complainant, Utah Insurance Department ("Department") and Respondent, DentaQuest USA Insurance Company, Inc., ("Respondent") have stipulated to the 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 an insurer, domiciled in Texas, and holding Utah license number 171011.
2. Respondent's mailing address is [REDACTED].
3. On May 21, 2021, [REDACTED], a Utah consumer, filed complaint # 77029 with the Department's Consumer Services Division for the denial of a dental claim.

4. On May 28, 2021, Troy Stover (“Stover”), a Consumer Service Analyst with the Department’s Consumer Services Division, emailed a request for information to the Respondent at the Respondent’s email address of record, [REDACTED]. The Respondent failed to respond to the request.

5. On June 18, 2021, Stover emailed an administrative demand to the Respondent, at email address, [REDACTED], but again, Respondent failed to respond.

6. In December 2022, because of Respondent’s failure to respond to a reasonable request from the commissioner, the complaint, was sent to the Department’s Marketing Conduct Division.

7. Complaint # 77029 was only one of four complaints referred to the Market Conduct Division in December of 2022, for DentaQuest’s failure to respond to a reasonable request from the commissioner. The complainants in these cases sometimes referenced Dental Care Plus and DentaTrust as their insurance carrier.

8. On December 20, 2022, Carrie Backus (“Backus”), a Market Conduct Examiner with the Department, emailed DentaQuest at the email address on file, [REDACTED] requesting information to determine DentaQuest’s relationship with Dental Care Plus and DentaTrust, and to establish correct contact information.

9. Respondent states that they were unaware of previous attempts by the Department to contact the Respondent on the occasions listed above. In their response to the Department, Respondent, explained that their contact information on record was inaccurate.

10. On March 29, 2023, the Department ultimately learned that Dental Care Plus was a wholly owned subsidiary of DentaQuest and DentaTrust was a product of Dental Care Plus, but not before Backus initiated the following activities:

a. January 4, 2023, Backus left a voice message at [REDACTED], the telephone number on file, requesting response to the Department's December 20, 2023, request.

b. On January 4, 2023, Backus left a voice message with [REDACTED], the Respondent's previous contact.

c. On January 10, 2023, Backus received a voice message from [REDACTED] ([REDACTED]), indicating that [REDACTED] had forwarded Backus's previous voice message to her. However, Backus was not successful in contacting [REDACTED] at the telephone number [REDACTED] had provided.

d. On January 18, 2023, [REDACTED] called Backus back indicating she had been out of the office. Backus requested that [REDACTED] update the contact information in Sircon and arranged to re-send the department's December 20, 2022, request for information.

e. On January 18, 2023, Backus re-sent the Department's request for information via email and provided written instructions on how to change contact information in Sircon.

f. On February 1, 2023, Backus acknowledged by email that the Respondent's contact information had been updated in Sircon on January 26, 2023, to [REDACTED], and again asked for a written response to the Department's December 20, 2022, request for information.

g. On February 3, 2023, Backus received a partial response from the Respondent about Respondent's contact information.

h. On February 8, 2023, Backus emailed a request for a complete response and received a same day response indicating that DentaQuest was an administrator for Dental Care Plus and DentaTrust.

i. On February 8, 2023, Backus called for clarification and was erroneously told that

DentaQuest was a Third-Party Administrator (TPA) for Dental Care Plus, a separate company, not a subsidiary of DentaQuest. [REDACTED] indicated she would ask her legal team for an explanation about DentaTrust's role.

j. On February 16, 2023, after contact with the Respondent had been established, the Department requested information about the original complaint involving a claim.

k. On February 27, 2023, the Respondent provided a response with documentation that supported their position that the claim had been processed according to the terms of the contract.

l. On March 2, 2023, Backus emailed a reminder to the Respondent about outstanding questions involving DentaTrust.

m. On March 23, 2023, Backus emailed a request for confirmation that the new email address: [REDACTED], submitted by the Respondent on February 24, 2023, was correct going forward.

n. On March 29, 2023, Backus received a complete response from the respondent. In connection with the claim, there was no evidence that Respondent had violated Utah insurance codes.

11. Although Respondent's legal department was unaware of the Department's attempts to contact Respondent between May 28, 2021, and March 29, 2023, Respondent complied with all the Department's filing requirements, including filing its Annual Report and paying its required Company Renewal and Annual Statement Filing fees on a timely basis.

12. Respondent failed to maintain with the commissioner the address, and one or more telephone numbers of the licensee's principal place of business, and a valid business email address at which the commissioner may contact the licensee in violation of Utah Code § 31A-14-205.5(1).

13. Respondent failed to submit to, and maintain with, the commissioner a valid business email address where the person can receive communications from the department in violation of Utah Admin. Code r.590-258-3.

14. Respondent failed to reply promptly to a reasonable written inquiry from the commissioner on May 28, 2021, June 18, 2021, and December 20, 2022, in violation of Utah Code § 31A-2-202(4)(a).

15. In order to resolve the issues described above, the Department and Respondent have agreed to an administrative forfeiture of \$1,500.00.

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 failed to register and maintain with the commissioner the address and the one or more telephone numbers of the licensee’s principal place of business; and a valid business email address at which the commissioner may contact the licensee, in violation of Utah Code § 31A-14-205.5(1).

4. Respondent failed to submit to, and maintain with, the commissioner a valid business email address where the person can receive communications from the Department in violation of Utah Admin. Code r.590-258-3.

5. Respondent failed to reply promptly in writing or in other designated form to a reasonable written inquiry from the commissioner in violation of Utah Code § 31A-2-202(4)(a).

6. As a penalty for the violations in this case, Respondent should be ordered to pay a forfeiture of \$1,500.00.

ORDER

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

1. Respondent shall pay a forfeiture of \$1,500.00 for the violations described in the Conclusions of Law. Payment in full is due to the Department no later than thirty days after this order is signed.
2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

DATED this 27th day of July 2023.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen
Donald H. Hansen
Administrative Law Judge/Presiding Officer
Utah Insurance Department
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NOTICE TO RESPONDENT

Failure to obey this Order may subject you to further penalties that include a forfeiture of up to \$5,000 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 being 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.

CERTIFICATE OF SERVICE

The undersigned certifies that on this date a true and correct copy of the foregoing

Findings of Fact, Conclusions of Law and Order was emailed to:

DentaQuest USA Insurance Company, Inc.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DentaQuest USA Insurance Company, Inc.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

and

Shelley A. Coudreaut
Assistant Attorney General
sacoudreaut@agutah.gov

DATED this 27th day of July 2023.

/s/ Jeanine Couser
Jeanine Couser
Utah Insurance Department
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801-957-9321