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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. 2023-4526 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 April 22, 2022, [REDACTED], a dental provider, filed complaint # 78844 with the Department's Consumer Services Division for the alleged improper payment of a dental claim

involving Utah consumer, [REDACTED].

4. On April 25, 2022, Trish Jacobson (“Jacobson”), 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 May 11, 2022, Jacobson sent an administrative demand to the Respondent via USPS, at Respondent’s business address of record, but again, Respondent failed to respond.

6. On June 10, 2022, Jacobson sent an email to the Respondent at [REDACTED], requesting information regarding the complaint. Respondent failed to respond.

7. On June 29, 2022, Jacobson sent an email to the Respondent at [REDACTED], an email address provided by a DentaQuest representative in a same day telephone call. Respondent again failed to respond.

8. 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.

9. Complaint # 78844 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.

10. 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.

11. 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.

12. On January 26, 2023, the Respondent updated its email address in Sircon to [REDACTED]. On February 24, 2023, the Respondent updated its email address again to [REDACTED].

13. On February 17, 2023, after contact with the Respondent had been established, the Department, through Backus, requested information about the original complaint involving the claim.

14. On March 6, 2023, the Respondent provided a response to the Department with documentation that supported their position that the claim had been processed according to the terms of the contract. In connection with the claim, there was no evidence that Respondent had violated Utah insurance codes.

15. On March 29, 2023, following multiple telephone calls and email interactions, the Department ultimately learned that Dental Care Plus was a wholly owned subsidiary of DentaQuest and DentaTrust was a product of Dental Care Plus.

16. Although Respondent's Legal Department was unaware of the Department's attempts to contact Respondent between April 25, 2022, 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.

17. 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).

18. 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.

19. Respondent failed to reply promptly to a reasonable written inquiry from the commissioner in violation of Utah Code §31A-2-202(4)(a).

20. In order to resolve the issues described above, the Department and Respondent have agreed to an administrative forfeiture of \$1,000.00.

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 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 \$1,000.00.

ORDER

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

1. Respondent shall pay a forfeiture of \$1,000.00 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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