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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. REGENCE BLUECROSS BLUESHIELD OF UTAH, Respondent.	AMENDED DECLARATION Docket No. 2023-4529 Donald H. Hansen Administrative Law Judge/Presiding Officer
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The Utah Insurance Department (“the Department”) hereby files this Amended Declaration of Kathleen Jaques in the above-entitled matter. The agency action filed on June 22, 2023, is based on the facts and law set forth in the attached Amended Declaration as follows.

AMENED DECLARATION

Under criminal penalty of Utah law, I, Kathleen Jaques, 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 Amended Declaration as the basis for issuing the Notice of Agency Action and Order against BlueCross BlueShield of Utah (“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. BlueCross BlueShield of Utah (“Respondent”) is a health organization insurer domiciled in Utah and authorized to do the business of insurance in Utah under license number 1324.

b. Respondent markets long-term care insurance policies.

c. Pursuant to Utah Admin. Code R590-146-14, R590-146-22, and R590-220-11(4), Respondent is required to electronically file its annual Medicare Supplement Refund or Credit Calculation Report, its Premium Rates Report, its 2010 Medicare Supplement Rate and Enrollment Data (as applicable), and its Multiple Policies Report annually, together as one filing, on or before May 31st of the following year.

d. On May 24, 2022, Respondent submitted its 2021 report filing under SERFF tracking number RGAC-133270718, RGAC-133270682, RGAC- 133270709, and RGAC-13327078 to the Department.

e. On May 25, 2022, Julie Chytraus, an intake specialist with the Department, sent a 72-hour notice via a Note to the Filer system, outlining the noncompliant filing provision submitted by the Respondent, and requested a response from the Respondent by May 31, 2022.

f. Respondent failed to respond to the Department’s request by May 31, 2022. On June 1, 2022, the Department rejected the Respondent’s filings.

g. As a result, Respondent failed to file the compliant reports on or before May 31, 2022.

h. Pursuant to Utah Admin. Code R590-220-5(3), a rejected filing is not considered filed with the Department.

i. On June 2, 2022, the Respondent corrected its filing and resubmitted its filing under SERFF tracking number RGAC-133286177, RGAC-133286167, RGAC-133286142 and RGAC-133286159. The filings were marked as received on June 15, 2022.

j. Respondent has had multiple similar violations in the past. In February 2018, the Utah Insurance Commissioner imposed a \$750.00 forfeiture against Respondent for failing to timely file its LTC reports in 2017. (*See Utah Insurance Department v. Regence BlueCross BlueShield of Utah*, Enforcement Case No. 2018-015).

k. In January of 2021, the Utah Insurance Commissioner imposed a \$3,000.00 forfeiture against Respondent for failing to timely file its LTC reports in 2019. (*See Utah Insurance Department v. Regence BlueCross BlueShield of Utah*, Enforcement Case No. 2021-4292).

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

a. Respondent violated Utah Admin. Code r.590-146-14 (B) and (C), by failing to electronically file its annual Medicare Supplement Refund or Credit Calculation Report and its Premium Rates Report on or before May 31, 2022;

b. Respondent violated Utah Admin. Code r.590-146-22, by failing to electronically file its annual Multiple Policies Report on or before May 31, 2022; and

c. Respondent violated Utah Admin. Code r.590-220-11(4), by failing to electronically file its annual 2010 Medicare Supplement Rate and Enrollment Data (as applicable), on or before May 31, 2022.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violations should be \$5,000.00.

DATED this 30th day of June 2023, at Salt Lake City, Salt Lake County, Utah.

/s/ Kathleen Jaques

Kathleen Jaques, 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 sent to:

Regence BlueCross BlueShield of Utah
[REDACTED]
[REDACTED]
[REDACTED]

and

Kathleen Jaques
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
[REDACTED]

DATED this 30th day of June 2023.

/s/ Shelley A. Coudreaut

Shelley A. Coudreaut

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