

**BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA**

FILED
JUL 18 2016
INSURANCE COMMISSIONER
OKLAHOMA

**IN RE: ELECTRONIC FILINGS OF MULTIPLE)
EMPLOYER WELFARE ARRANGMENTS)
(MEWAs) IN THE STATE OF OKLAHOMA)**

Case No. 16-0635-PRJ

**TO: ALL MULTIPLE EMPLOYER WELFARE ARRANGEMENTS (MEWAs) IN
THE STATE OF OKLAHOMA**

JURISDICTION

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq., pursuant to 36 O.S. § 307.

2. Notwithstanding any other provision of law that requires a particular form and associated payment to be filed with the Insurance Department in paper form, or to be mailed or hand-delivered to the Insurance Department, the Insurance Commissioner may, by appropriate order, require that all filings of that specific type be filed or delivered in electronic format. 36 O.S. § 350.

FINDINGS OF FACT

1. Each MEWA shall file with the Insurance Commissioner an application for a license on a form prescribed by the Commissioner and signed under oath by officers of the association or the administrator of the MEWA. The application shall include or have attached all of the items that are listed in 36 O.S. § 637(1) through (10). 36 O.S. § 637.

2. An initial filing fee of One Thousand Dollars (\$1,000.00) is required for licensure. Each subsequent year the MEWA is in operation, an annual fee of Two Hundred Fifty Dollars (\$250.00) shall be required to be paid to the Insurance Department on or before March 1 each year the MEWA remains in operation. 36 O.S. § 635(E).

3. To qualify for and retain a license, a MEWA shall file all contracts with administrators or service companies with the Commissioner, and report any changes in such contracts to the Commissioner in advance of their implementation. The Commissioner shall have the authority to cause any contract with an administrator or service company to be renegotiated if the Commissioner reasonably determines that the charges under any such contract are excessively high in light of the services being delivered under the contract. 36 O.S. § 635(D).

4. Every MEWA shall, within ninety (90) days after the end of each fiscal year of the MEWA, or within any such extension of time that the Insurance Commissioner for good cause grants, file a report with the Commissioner, on forms acceptable to the Commissioner and verified by the oath of a member of the board of trustees or by an administrator of the MEWA, showing its financial condition on the last day of the preceding fiscal year. The report shall contain an audited financial statement of the MEWA prepared in accordance with generally accepted accounting principles, including its balance sheet and a statement of the operations for the preceding fiscal year certified by an independent accounting firm or individual holding a permit to practice public accounting in this state. The report shall also include an analysis of the adequacy of reserves and contributions or premiums charged, based on a review of past and projected claims and expenses. 36 O.S. § 639(A).

5. In conjunction with the annual report required above, the MEWA shall submit an actuarial certification prepared by a qualified actuary that indicates all of the items that are listed in 36 O.S. § 639(B)(1) through (6). 36 O.S. § 639(B).

6. The Commissioner may require a MEWA to file quarterly, within forty-five (45) days after the end of each of the remaining fiscal quarters, a financial statement on a form prescribed by the Commissioner, verified by the oath of a member of the board of trustees and an

administrator of the MEWA, showing its financial condition on the last day of the preceding quarter and the statement of a qualified actuary setting forth the actuary's opinion relating to the level of cash reserves in accordance with 36 O.S. § 639(B)(3) and (4). 36 O.S. § 639(D).

7. On November 1, 2014, the following statutory provision in the Oklahoma Insurance Code took effect:

DUTY TO FILE OR DELIVER PAYMENTS ELECTRONICALLY

Notwithstanding any other provision of law that requires a particular form and associated payment to be filed with the Insurance Department in paper form, or to be mailed or hand-delivered to the Insurance Department, the Insurance Commissioner may, by appropriate order, require that all filings of that specific type be filed or delivered in electronic format. 36 O.S. § 350.

8. This provision of law provides the Insurance Commissioner with the authority, by appropriate order, to require certain forms and associated payments to be filed electronically with the Insurance Department.

9. The Insurance Commissioner finds it proper to prescribe that all applications for MEWA licenses including all of the items that are listed in 36 O.S. § 637(1) through (10), accompanying fees, MEWA contracts with administrators or service companies and any changes to such contracts, reports, balance sheets, statements of operation, actuarial certifications that indicate all of the items that are listed in 36 O.S. § 639(B)(1) through (6), and financial statements shall be filed by electronic means and format effective on or before March 1, 2017 and thereafter, pursuant to 36 O.S. § 350, as approved by the Commissioner.

CONCLUSIONS OF LAW

1. The Findings of Fact above are adopted, and incorporated by reference in these Conclusions of Law as if fully set forth herein.

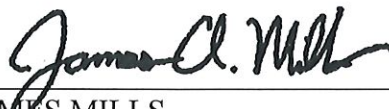
ORDER

IT IS THEREFORE ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, that all applications for MEWA licenses including all of the items that are listed in 36 O.S. § 637(1) through (10), accompanying fees, MEWA contracts with administrators or service companies and any changes to such contracts, reports, balance sheets, statements of operations, actuarial certifications that indicate all of the items that are listed in 36 O.S. § 639(B)(1) through (6), and financial statements shall be filed by electronic means and format effective on or before March 1, 2017 and thereafter, pursuant to 36 O.S. § 350, as approved by the Commissioner.

THIS ORDER shall only apply to MEWA licenses including all of the items that are listed in 36 O.S. § 637(1) through (10), accompanying fees, MEWA contracts with administrators or service companies and any changes to such contracts, reports, balance sheets, statements of operations, actuarial certifications that indicate all of the items that are listed in 36 O.S. § 639(B)(1) through (6), and financial statements filed on or before March 1, 2017 and thereafter.

IT IS SO ORDERED.

WITNESS My Hand and Official Seal this 15th day of July, 2016.



JAMES MILLS
CHIEF OF STAFF
STATE OF OKLAHOMA