

FILED

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INSURANCE COMMISSIONER
-- OKLAHOMA

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

**IN RE: ELECTRONIC FILINGS OF THIRD)
PARTY ADMINISTRATORS IN THE)
STATE OF OKLAHOMA)
)
)**

Case No. 15-1153-PRJ

**TO: ALL THIRD PARTY ADMINISTRATORS LICENSED IN THE
STATE OF OKLAHOMA**

JURISDICTION

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

2. On or before June 1 of each year, all licensed administrators shall file an annual report for the previous calendar year. The annual report may be waived upon application to the Insurance Commissioner by the administrator on a form prescribed by the Commissioner if the administrator had no business activity in the past calendar year. 36 O.S. § 1452.

3. 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. On or before June 1 of each year, all licensed administrators shall file an annual report for the previous calendar year. The report shall have been reviewed by a certified public accountant who shall be independent of the administrator. The report shall be subscribed and

sworn to by the president and attested to by the secretary or other proper officers substantiating that the information contained in the report is true and factual concerning each of the plans they administer which are governed pursuant to the provisions of the Third-party Administrator Act. The report shall include the name and address of each fund and a statement of fund equity, paid claims by the covered unit, the accumulated year-to-date paid claims, and the year-to-date reserve status. Failure of any third-party administrator to execute and file the annual reports as required by this section shall constitute cause, after notice and opportunity for hearing, for censure, suspension, or revocation of administrator licensure to transact business in this state, or a civil penalty of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) for each occurrence, or both censure, suspension, or revocation and civil penalty. 36 O.S. § 1452(A).

2. If a licensed administrator has had no business or activity in the past calendar year, has not administered any insurance plans or business in the past calendar year and no funds are under the licensed administrator's oversight and administration, then the annual report described in subsection A of this section may be waived upon application to the Insurance Commissioner by the administrator on a form prescribed by the Commissioner. Upon applying for a waiver, the administrator shall state under oath that the administrator has had no business, has not administered any funds and the licensee's administration of premiums and claims has been dormant for the past calendar year. The application must be submitted no later than May 1st on the form prescribed by the Commissioner.

3. On November 1, 2014, the following new 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.

4. This provision of law provides the Insurance Commissioner with the authority, by appropriate order, to require all Third-Party Administrators' annual report forms and applications for waiver of annual report forms be filed electronically with the Insurance Department.

5. The Insurance Commissioner finds it proper to prescribe that all Third-Party Administrators' annual reports forms be filed by electronic means and format beginning on or before June 1, 2016, and all applications for waiver of annual reports be filed by electronic means and format beginning on or before May 1, 2016, pursuant to 36 O.S. § 350, as approved by the Commissioner.

CONCLUSIONS OF LAW

1. Pursuant to § 36 O.S. § 305, 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.

ORDER

IT IS THEREFORE ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, that all Third-Party Administrator annual reports and application for waiver

of annual report be filed by electronic means and format, pursuant to 36 O.S. § 350, as approved by the Commissioner.

THIS ORDER shall only apply to Third-Party Administrator annual reports due on or before June 1, 2016, and applications for waiver of annual reports due on or before May 1, 2016.

IT IS SO ORDERED.

WITNESS My Hand and Official Seal this 7th day of October, 2015.



A handwritten signature in black ink that reads "James A. Mills".

JAMES MILLS
CHIEF OF STAFF
STATE OF OKLAHOMA