

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 1. ADMINISTRATIVE OPERATIONS
SUBCHAPTER 1. GENERAL PROVISIONS**

365:1-1-1. Purpose

The rules in this chapter provide the organizational and procedural framework for the Oklahoma Insurance Department and provide the necessary channels through which the public can gain information about the Insurance Department and its functions.

365:1-1-2. Office of the Insurance Commissioner

The office of the Insurance Commissioner is composed of the Insurance Commissioner and such employees as are required and provided for by law. The Insurance Commissioner exercises executive and administrative supervision over the Office of the Insurance Commissioner.

(1) **General description of organization.** The office of the Insurance Commissioner is divided into divisions:

(2) **Administrative Services Division.** The Administrative Services Division is responsible for various administrative services as directed by the Insurance Commissioner including personnel, mail, and file maintenance.

(3) **Licensing Division.** The Licensing Division is responsible for determining whether applicants for bail bond licenses, insurance producers, limited lines producers, insurance adjusters, life, accident and health insurance brokers and insurance consultants licenses meet the qualifications set forth in the statutes of the State of Oklahoma and is also responsible for administering the examinations given as required to applicants and for issuing renewal licenses. The Licensing Division is also responsible for monitoring continuing education requirements.

(4) **Bail Bond Division.** The Bail Bond Division is responsible for processing of monthly reports for each type of license held by bondsmen, collection of 2/10 of 1% fee of new liability written monthly, enforce statutory deposit requirements of professional bondsmen and initial investigation of complaints regarding possible violation of statutes.

(5) **Consumer Assistance and Claims Division.** The Consumer Assistance and Claims Division processes and investigates all complaints lodged against insurance companies and other persons/entities by the public. Further, this division answers all routine requests for information concerning insurance companies and insurance policies.

(6) **Comptroller Division.** The Comptroller Division is composed of the Comptroller and necessary assistants and is responsible for the internal fiscal affairs of the office, including preparation of payroll, purchase of equipment, approval of all travel claims made by staff and keeping of all fiscal records required by law.

(7) **Communications.** The Communications Division is responsible for maintaining and furthering internal and external communications. Among the duties performed in this division are development and management of the Insurance Department website, writing and facilitating news releases, responding to media inquiries, assembling materials to be distributed during public events, production of consumer assistance and awareness events, designing publications for producers and consumers, and any other communications related duties as needed.

(8) **Executive Division.** The Executive Division, composed of the Insurance Commissioner and necessary assistants, is charged with general supervision of all activities of the office including personnel and internal organization.

(9) **Financial and Examination Division.** The Financial and Examination Division is responsible for determining whether insurance companies and other persons/entities applying for admission to do business in the State of Oklahoma meet the qualifications for admittance as set forth in the statutes of the State of Oklahoma. This division, through outside contract examiners, is responsible for conducting the statutory examination of all domestic and foreign insurance companies and other persons/entities and collects all premium taxes and statutory fees due the State. This division is also responsible for the review and analysis of all annual and quarterly financial statements of insurance companies as required by the statutes of the State of Oklahoma.

(10) **Information Technology Division.** The Information Technology Division is responsible for providing all internal data processing services to the other divisions of the Insurance Department. Further, this division provides the public with both summaries and detailed information on many of the records maintained by the Insurance Department.

(11) **Legal and Investigation Division.**

(A) The Legal Division is composed of the General Counsel and Assistant General Counsels who are the chief attorneys for the Insurance Commissioner and the other divisions within the Oklahoma Insurance Department on legal matters. The Legal Division defends and prosecutes all proceedings held before the Insurance Commissioner. The Legal Division is charged with the duty of representing the Insurance Commissioner in the courts in matters which are a part of his/her official duties.

(B) The Investigation Division is responsible for investigating complaints against licensed insurance entities and if evidence is found of wrongdoing or non-compliance with the insurance laws of Oklahoma forwarding its findings to the Legal Division.

(C) The Anti-Fraud Unit is within the Legal and Investigation Division. Its investigators are commissioned by the Insurance Commissioner to serve as peace officers who are responsible for investigating violations of statute or administrative rules of this state pertaining to insurance fraud.

(12) **Rate and Form Compliance Division.** The Rate and Form Compliance Division is responsible for the receipt of life, annuity, accident and health policy forms and property and casualty policy forms, manual rules and rates. The Division determines whether such documents conform to the statutes of the State of Oklahoma. The Division is also responsible for determining whether advisory organizations applying for admission to do business in the State of Oklahoma meet the qualifications for admittance as set forth in the statutes of the State of Oklahoma. All references to Life, Accident and Health Division or Property and Casualty Division shall mean Rate and Form Compliance Division.

(13) **Real Estate Appraisers Division.** The Real Estate Appraisers Division is responsible for determining whether applicants for real estate appraiser licensure/certification meet the qualifications set forth in the statutes of the State of Oklahoma and for administering the examinations given to all real estate appraisers.

(14) **Senior Health Care Programs Division.** The Senior Health Care Programs Division is composed of two federal grant programs, SHICP and SUMMIT. The Senior Health Insurance Counseling Program (SHICP) is responsible for providing information, counseling and assistance to Medicare and Medicaid beneficiaries so they may understand and access their health care benefits. SUMMIT

Medicare/Medicaid Fraud, Abuse and Waste Program focuses on reducing Medicare/Medicaid fraud, abuse and waste by enhancing public awareness through community presentations and public education. Both programs train volunteers to assist with the programs' mission.

(15) **Utilization Review Division.** The Utilization Review Division is responsible for determining whether applicants for Utilization Review Certificates of Registration meet the qualifications set forth in the statutes of the State of Oklahoma.

[**Source:** Amended at 10 Ok Reg 1457, eff 5-1-93; Amended at 21 Ok Reg 1656, eff 7-14-04; Amended at 23 Ok Reg 2669, eff 7-14-06; Amended at 26 Ok Reg 1527, eff 7-14-2009; Amended at 28 Ok Reg 1956, eff 7-14-11]

365:1-1-3. Duties of Insurance Commissioner

The Insurance Commissioner, as chief officer of the Insurance Department, is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code (Title 36, Oklahoma Statutes), the Oklahoma Bail Bond Code (59 O.S. §§1301 et seq.), and the Certified Real Estate Appraisers Act (59 O.S. §§858-700 et seq.).

[**Source:** Amended at 10 Ok Reg 1457, eff 5-1-93]

365:1-1-4. Requests for information

(a) The public may obtain information relating to insurance and regulation thereof by writing to: The Insurance Commissioner, 3625 NW 56th Street, Suite 100, Oklahoma City, Oklahoma 73112 or by calling (405) 521-2828.

Where the request is for materials of which copies are not available and photocopying or reproduction by other means is required, such service will be provided upon payment of the costs involved.

(c) Annually, subsequent to the end of the fiscal year, the Commissioner makes a report to the Governor summarizing his/her work during the year. Such reports are available for inspection and copies thereof may be obtained from the Commissioner. The Commissioner's rules of practice and procedure and a description of its organization and policy are published in the Oklahoma Register. Copies thereof may be obtained from the Commissioner upon request. The decisions of the Commissioner in adjudicative proceedings may be obtained upon request.

[**Source:** Amended at 10 Ok Reg 1457, eff 5-1-93; Amended at 14 Ok Reg 2955, eff 7-14-97; Amended at 19 Ok Reg 1292, eff 7-14-02; Amended at 29 Ok Reg 1254, effective 7-14-12]

365:1-1-4.1. Fees

The Oklahoma Insurance Department is required and provided for by the following laws to collect certain fees as follows:

- (1) **36 O.S. §311.1.** Provides a late fee required with annual statements filed after the first day of March.
- (2) **36 O.S. §321.** Provides for the following fees:
 - (A) Copies 40¢ per page.
 - (B) Appointing Commissioner as agent for service of process.

- (C) Licensure and reporting requirements for company licensing, mergers and acquisitions.
 - (D) Life, Accident and Health policy filings.
 - (E) Amendments to by-laws and articles.
 - (F) Retaliatory fees.
- (3) **36 O.S. §348.1.** Authorizes the Commissioner to collect fees and licenses for the Rate and Form Compliance Division of the Insurance Department.
 - (4) **36 O.S. §621.** Summons process fees.
 - (5) **36 O.S. §628.** Life, Accident and Health policy filings retaliatory fee.
 - (6) **36 O.S. §635.** Initial application fee and annual renewal for Multiple Employer Welfare Arrangements (MEWAs).
 - (7) **36 O.S. §1115.** Surplus lines taxes.
 - (8) **36 O.S. § 1435.23(A)(4)(c).** Crop hail licensure fees.
 - (9) **36 O.S. § 1435.23 and § 1435.29.** Fees and licenses for insurance agents, surplus lines insurance brokers, and limited insurance representatives. Also includes annual fee for agents continuing education providers.
 - (10) **36 O.S. §1450.** TPA license fee.
 - (11) **36 O.S. §1464.** Broker license fee
 - (12) **36 O.S. §1661.** Holding company registration fee.
 - (13) **36 O.S. §2126.1.** Solicitation and trade fee.
 - (14) **36 O.S. §2731.** Fraternal license and appointment.
 - (15) **36 O.S. §3105.** Motor club license and appointment.
 - (16) **36 O.S. §6124.** Provides for initial fee and renewal fee for prepaid funeral benefits organizations.
 - (17) **36 O.S. §6130, §1659.** Fines and \$5 service charges.
 - (18) **36 O.S. §6144.** Prepaid Dental Company License
 - (19) **36 O.S. §6212.** Adjuster's exams, license and manuals fees.
 - (20) **36 O.S. §6465.** Risk retention group filing fees and purchasing group filing fees.
 - (21) **36 O.S. §6557, §6559, §6560 and 74 O.S. §1306.2(B).** Provides for application and renewal fees for entities performing utilization review.
 - (22) **36 O.S. §6604.** Provides for a license fee for service warranties licensure.
 - (23) **51 O.S. §24A.1 et seq.** - The Open Records Act provides authority to charge reasonable fees to provide information requested by the public. The Act authorizes a "search fee" when records are requested for commercial purposes. The Data Processing Division of the Insurance Department makes certain computer records available upon request. A schedule of the records available and the current fee for each is available upon request from this Division.
 - (24) **59 O.S. §1305, §1308, §1308.1, §1309, §1314(d) and §1317(a).** Provide for license fees, investigation fees, annual fees for OBA, examination fees, renewal fees and appointment fees for bail bondsmen.
 - (25) **59 O.S. §858-708.** Gives the Insurance Department authority to collect fees for licensure and examination fees for Real Estate Appraisers.
 - (26) **68 O.S. §50001.** Fire Marshall tax.
 - (27) Pursuant to the provisions of 59 O.S. 4003 A, upon presentation of satisfactory evidence that an applicant for initial licensure or certification is a low-

income individual, the Board shall grant a one-time one-year waiver of any fees associated with such licensure or certification. For purposes of the section, "low-income individual" means an individual who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families, Medicaid or the Supplemental Nutrition Assistance Program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line or a higher threshold to be set by the executive branch department that oversees business regulation.

[Source: Added at 11 Ok Reg 1833, eff 5-15-94; Amended at Ok Reg 3202, eff 7-13-98; Amended at 19 Ok Reg 1292, eff 7-14-02; Amended at 27 Ok Reg 1530, eff 7-14-10]

365:1-1-5. Official actions

(a) **Official acts in writing and open to the public.** All official acts of the Insurance Commissioner shall be evidenced by written record, and all final orders, decisions, opinions, rules, and other written statements of policy or interpretations formulated, adopted, or used in the discharge of the functions of the Insurance Commissioner shall be available for public inspection. Official action of the Insurance Commissioner shall not be bound or prejudiced by any informal statement or opinion made by the Commissioner or employees of the Commissioner.

(b) **Official action to be taken only in real cases, controversies or issues.** Official actions shall only be taken on matters formally pending before the Insurance Commissioner for determination, and then only if such matter be an actual case, controversy, or issue.

(c) **Declaratory rulings.** Official rulings may be made by and at the discretion of the Insurance Commissioner as to the applicability of any rule or order, if it be shown that an actual case, controversy, or issue is in contemplation on the hypotheses presented and that unreasonable hardship, loss or delay would result if the matter were not determined in advance. This Chapter shall not be interpreted as limiting the right of the Commissioner, on his/her own motion, to cause matters to become formally pending and to perform any function or duty prescribed by law, or rule or regulation.

[Source: Amended at 10 Ok Reg 1457, eff 5-1-93]

365:1-1-6. Amendments; compatibility with other rules

The rules of practice and procedure in this Chapter shall govern, until amended by the proceeding instituted in accordance with the provisions of the Oklahoma Administrative Procedures Act (75 O.S. §§301 et seq.). Special rules dealing with specific subjects or procedures are deemed to be compatible with these general rules of practice and procedure, and such special rules are not repealed, except where specifically so provided.

[Source: Amended at 10 Ok Reg 1457, eff 5-1-93]