

FILED
NOV 25 2019
INSURANCE COMMISSIONER
OKLAHOMA

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

STATE OF OKLAHOMA, ex rel. GLEN MULREADY, Insurance Commissioner,)	
)	
)	
)	
Petitioner,)	
vs.)	
)	CASE NO. 19-0574-DIS
ACCESSCARE GENERAL OKLAHOMA LLC, a licensed prepaid dental plan organization domiciled in the State of Oklahoma,)	
)	
)	
)	
Respondent.)	

STIPULATION AND AGREED ORDER

COMES NOW Sandra LaVenue, Senior Counsel for the Oklahoma Insurance Department and AccessCare General Oklahoma LLC, who stipulate and agree to the following findings of fact and conclusions of law.

JURISDICTION

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and, as such, is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101-7401, the Oklahoma Prepaid Dental Plan Act, 36 O.S. §§ 6141 through 6157; and the Unauthorized Insurance Business Act, 36 O.S. §§ 6103.1 through 6103.11.

2. AccessCare General Oklahoma, LLC ("Respondent") is licensed by the Oklahoma Insurance Department ("OID") as a prepaid dental plan organization domiciled in the State of Oklahoma.

3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue a cease and desist order or other penalty pursuant to 36 O.S. §§ 6103.3 and 6103.4 and/or issue a civil penalty pursuant to the provisions of 36 O.S. § 6154.

AGREED FINDINGS OF FACT

4. Respondent is a licensed Prepaid Dental Plan Organization pursuant to the Prepaid Dental Plan Act 36 O.S. §§ 6141 through 6157 and has been so licensed since 2012.

5. Respondent is not a licensed insurer in the State of Oklahoma.

6. Pursuant to 36 O.S. § 6142(4), a Prepaid Dental Plan Organization is limited to providing prepaid dental plans which provide dental services only.

7. On or about November 29, 2017, Respondent began offering and selling vision services policies in addition to prepaid dental plans in violation of 36 O.S. § 6154(7).

8. The offering, making and renewing of contracts of vision services without statutory authority are acts of the insurance business and prohibited pursuant to 36 O.S. §§ 6103.1 through 6103.11.

9. On or about February 26, 2018, Respondent was notified that its Prepaid Dental Plan license did not permit the sale of vision plan policies.

10. Respondent was again notified via email on March 9, 2018, that it was to immediately stop writing new vision policies and that any current vision policies should be run-off pursuant to the contracts.

11. On January 1, 2019, Respondent renewed all vision plan policies.

AGREED CONCLUSIONS OF LAW

12. Pursuant to 36 O.S. § 6154, the Oklahoma Insurance Commissioner has jurisdiction over this matter and may either suspend or revoke a certificate of authority of a prepaid dental plan organization and/or assess a civil penalty not exceeding One Thousand Dollars (\$1,000.00) for each violation of the Prepaid Dental Plan Act.

13. Pursuant to 36 O.S. §§ 6103.3 and 6103.4, the Oklahoma Insurance Commissioner has jurisdiction over this matter and may issue a cease and desist order and/or issue a civil penalty of not more than Ten Thousand Dollars (\$10,000.00) for each act of violation and for each day of violation of the Unauthorized Insurance Business Act.

14. Respondent violated 36 O.S. § 6154 by offering, making and renewing vision services policies which are services not permitted pursuant to the Prepaid Dental Plan Act.

15. Respondent has violated the provisions of 36 O.S. § 6103.3 by conducting the business of insurance as set forth in 36 O.S. §§ 6103.1 through 6103.11 without statutory authority.

AGREED ORDER

IT IS THEREFORE ORDERED by the Oklahoma Insurance Commissioner, and **CONSENTED TO** by Respondent, that:

16. Respondent shall immediately cease and desist from all activities related to its vision services policies except for those activities specifically provided for in this Agreed Order.

17. Respondent is herein assessed a civil penalty in the amount of Fifty Thousand Dollars (\$50,000.00), which is due upon entry of this Stipulation and Agreed Order.

18. Respondent shall immediately send out notice in accordance with the provisions set forth in the vision services policies that all vision services policies will expire and/or cancel on December 31, 2019, without renewal.

19. All vision policies shall expire on December 31, 2019, without renewal.

20. Respondent shall continue to process and pay all claims in accordance with the policies.

WITNESS My Hand and Official Seal this 25th day of November 2019.



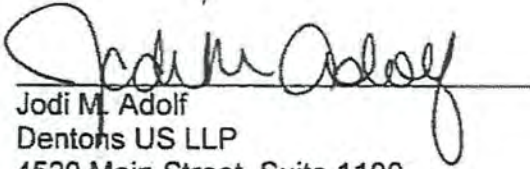
John D. Miller

JOHN D. MILLER, OBA # 6213
INDEPENDENT HEARING EXAMINER
OKLAHOMA INSURANCE DEPARTMENT

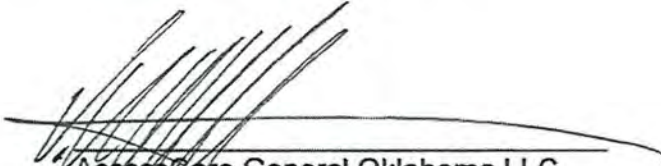
APPROVED AS TO FORM:

Sandra G. LaVenue

Sandra G. LaVenue OBA# 13372
Oklahoma Insurance Department
Senior Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112



Jodi M. Adolf
Dentons US LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111-7700
Attorney for Respondent



AccessCare General Oklahoma LLC
Respondent