

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

<b>In the Matter of</b>	)	
	)	<b>CONSENT ORDER</b>
<b>Dental Management Administrators, Inc.,</b>	)	
<b>FEIN 51-0460233,</b>	)	<b>FILE NO. AG-14-463</b>
	)	
<b>Respondent.</b>	)	

**TO: F. David Wythe, Compliance Director, Companion Life Insurance Company,  
7909 Parklane Road, Suite 200, Columbia, SC 29223-5666**

Insurance Commissioner Adam Hamm, hereinafter "Commissioner", has determined as follows:

1. The Commissioner has authority in this matter pursuant to N.D.C.C. § 26.1-01-03.
2. The Commissioner has jurisdiction over the Respondent and the subject matter of this Consent Order and this Consent Order is made in the public interest.
3. On or about March 11, 2014, North Dakota Insurance Department ("Department") staff received information that Dental Management Administrators, Inc., the Respondent in this matter, did not have a current third-party administrator license and that Respondent's previous third-party administrator license expired on May 1, 2012.
4. During the course of an investigation initiated by the Department into this matter, the Department has learned that between May 1, 2012, and February 28, 2014,

Respondent has acted as a third-party administrator for 94,537 insureds in the State of North Dakota without having a valid third-party administrator license in the State of North Dakota.

5. The total premium paid by North Dakota insureds with insurance coverage administered through Respondent between the period covering May 1, 2012, to February 28, 2014, exceeds \$6,000,000.

6. N.D.C.C. § 26.1-27-03 prohibits an entity from acting as a third-party administrator without possessing a valid certificate of authority from the North Dakota Insurance Commissioner:

A person, including a person who directly or indirectly underwrites, collects charges or premiums from, or adjusts or settles claims on residents of this state in connection with life, annuity, or health coverage provided by a self-funded plan, may not act as or hold oneself out to be an administrator in this state, for the kinds of business for which the person is acting as an administrator, without a certificate of authority issued by the commissioner. Any person violating this subsection is guilty of a class C felony.

N.D.C.C. § 26.1-27-03.

7. Respondent's conduct of acting as a third-party administrator on 94,537 insureds in the State of North Dakota constitutes violations of N.D.C.C. § 26.1-27-03.

8. Respondent may be subjected to an administrative penalty pursuant to N.D.C.C. § 26.1-01-03.3 and a criminal penalty pursuant to N.D.C.C. §§ 26.1-27-03 and 12.1-32-01(4).

9. Respondent has been duly apprised of all allegations.

10. Respondent and the Commissioner have agreed to an informal disposition of this matter without entry of a Cease and Desist Order by the Commissioner or other

further administrative proceedings, as provided by N.D.C.C. § 28-32-22, and enter into the following Consent Order.

NOW, PURSUANT TO THE AGREEMENT OF THE PARTIES, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to comply with the prohibition of acting as a third-party administrator in the State of North Dakota without a valid certificate of authority from the Commissioner.

2. Respondent shall pay an administrative penalty in the amount of \$40,000 to the North Dakota Insurance Department within 15 business days of the execution of this Order. Payment must be sent to: North Dakota Insurance Department, 600 East Boulevard Avenue, Dept. 401, Bismarck, ND 58505.

3. The use of this Consent Order for competitive purposes by an insurance producer or agency holding a license in the State of North Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of the license or authority.

DATED this 8<sup>th</sup> day of May, 2014.



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Adam Hamm  
Commissioner  
N.D. Insurance Department

### CONSENT TO ENTRY OF ORDER

The undersigned, Jane Ann Morrison, on behalf of **Dental Management Administrators, Inc.**, states that the undersigned has read the foregoing Consent Order and is authorized by the Company to consent to the entry of this order.

The undersigned, on behalf of the Company, fully understands the contents and effect of the Consent Order. The Company has been advised of its right to be represented by legal counsel, to request a hearing in this matter, to present evidence and arguments to the Commissioner, and of its right to appeal from an adverse determination after hearing. By the signing of this Consent to Entry of Order the undersigned on behalf of the Company voluntarily waives those rights in their entirety and voluntarily consents to the entry of this Consent Order by the Insurance Commissioner and agrees to be bound by it. It is further expressly understood that this Consent Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements, either express or implied.

DATED this 5<sup>th</sup> day of May, 2014.

Dental Management Administrators, Inc.

By: Jane Ann Morrison

Print Name: JANE ANN MORRISON

Title: PRESIDENT

Subscribed and sworn to before me

this 5<sup>th</sup> day of May, 2014.

Linda M. Tiffany  
Notary Public

State of Utah  
County of Salt Lake

My Commission Expires: 6/21/2016

