



Regulated Industry Services Third Party Administrator (Firm)

THIRD PARTY ADMINISTRATOR LICENSE				
Application Type	System	Fee	Due Date	Frequency
Initial	OPTins	\$100.00	At Submission	
Renewal	OPTins	\$100.00	Prior to Expiration Date	Annually
Reinstatement	OPTins	\$200.00	Within 90 Days After Expiration Date	Annually
Annual Report – Waiver (If No Business)	OPTins	No Fee	April 1	Annually
Annual Report	OPTins	No Fee	June 1	Annually

Link to OID RIS webpage: <https://www.oid.ok.gov/regulated-entities/regulated-industry-services/third-party-administrators/>

Register and/or Login with OPTins at: http://www.optins.org/regulated_entities_OK.htm or call 816-783-8500 for help.

36 O.S. § 1442. Definitions - As used in the Third-party Administrator Act, Section 1441 et seq. of this title: **1. "Administrator"** means any person who collects premiums for an insurer or trust or who adjusts or settles claims for an insurer or trust, in connection with life or health insurance coverage, annuities or employee benefit stop loss in this state,

but shall not include:

any person who collects premiums or who adjusts or settles claims under the following circumstances:

- a. any employer on behalf of the employees of that employer or the employees of one or more subsidiary or affiliated corporations of that employer,
- b. a union on behalf of its members,
- c. an insurance company which is licensed to transact insurance business in this state,

- d. a wholly owned subsidiary of an entity which is subject to the jurisdiction of the Insurance Commissioner,
- e. an insurance company acting as an insurer with respect to a policy lawfully issued and delivered by said company in and pursuant to the laws of this state,
- f. a hospital, medical, dental, or optometric service corporation or a health care service organization, including their agents, authorized by the Commissioner to issue contracts in this state pursuant to the provisions of the Oklahoma Insurance Code when engaged in the performance of their duties,
- g. a life or disability agent or broker who is licensed in this state and whose activities are limited exclusively to the sale of insurance,
- h. an adjuster licensed in this state for the kinds of business for which he is acting as an adjuster,
- i. a creditor insuring a debt between the creditor and its debtors on behalf of said creditor's debtors,
- j. a financial institution which is subject to supervision or examination by federal or state banking authorities,
- k. a company which issues credit cards and advances credit for and collects premiums or charges from its credit card holders who have authorized said collection, if the company does not adjust or settle claims,
- l. a person who adjusts or settles claims in the normal course of practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with life or health insurance coverage or annuities,
- m. any workers' compensation trust, or
- n. a trust providing benefits to the employees of any political subdivision of a city, county or the state; and

2. "Trust" means any trust other than those *exempted in paragraph 1 of this section which engages in the business of making contracts of insurance.*

Oklahoma Secretary of State (<https://www.sos.ok.gov/business/default.aspx>) – Legal entity names, trade names and DBA names are required to be registered for use in Oklahoma under Title 18. We will verify that the entity is in fact registered and in good standing when reviewing all applications.

Designate an Agent for Service of Process – Complete the Service of Process form or the UCAA Form 12 with the initial application filing. A filing fee of \$10 is required to be paid with the initial application filing. Later at any time the entity name changes, the authorized service of process contract changes or the Service of Process address changes an amended Service of Process form must be completed within 30 days of the change and filed in OPTins in the most recent application filing along with a filing fee of \$10.

Biographical Affidavit – Required for all officers, directors, key managerial personnel of the TPA, *and* individuals with a ten percent (10%), or more, beneficial ownership in the TPA and the TPA’s ultimate controlling person (“Affiant”) with the initial application filing and later within 30 days of a change per *36 O.S. § 1450(F)(3)*. The NAIC Form 11 must be completed on the most current form in effect at the time the affidavit is signed and the Affiant shall not sign the Affidavits more than six months before the date the Applicant Company files the application. Each question on the biographical affidavit must have a response. If an answer is “None”, then so state. Write N/A in any field that does not apply to your situation. Responses are not limited to any previous year or time frame unless the specific question identifies a time frame for reporting. The RIS Specialist may ask for a new biographical affidavit if the version is outdated, missing content or deemed necessary. The NAIC Biographical Affidavit is used to evaluate the suitability, competency, character and integrity of the Affiant in connection with an applicant or licensed entity. The most recent form is located on our webpage. Link to **NAIC Biographical Affidavit Forms**: <https://content.naic.org/industry/ucaa/biographical-affidavit>

Change Notification of officers, directors, key personnel&/or 10% or greater owners – If a change occurs at any time after licensure, submit the following.

1. Upload a detailed written notice of the change(s)

2. Upload a current and complete list of all officers, directors and key managerial personnel of the TPA, *and* individuals with a ten percent (10%), or more, beneficial ownership in the TPA and the TPA's ultimate controlling person ("Affiant"), including the individual's start date, name, title, mailing address, email address and business phone number. Also include any individuals no longer with the TPA and the date they left.
3. Upload a current UCAA Form 11 biographical affidavit for all/any new officers, directors and key managerial personnel of the TPA, *and* individuals with a ten percent (10%), or more, beneficial ownership in the TPA.
NAIC Biographical Affidavit Forms: <https://content.naic.org/industry/ucaa/biographical-affidavit>

Contact Changes for the TPA: Oklahoma RIS Contact Change Request Form: <https://www.oid.ok.gov/wp-content/uploads/2023/03/Contact-Change-Request-Form.pdf>

Books & Records – 36 O.S. § 1443.

The Administrator must maintain at the principal administrative office of the administrator for the duration of the agreement and for five (5) years thereafter the written agreement required by the provisions of this section and records of all transactions among the administrator, insurers or trusts, and insured persons.

- A. No person shall act as an administrator without a written agreement between that person and an insurer. The written agreement shall be retained as part of the official records of both the insurer and the administrator for the duration of the agreement and for five (5) years thereafter.
- B. The written agreement required by the provisions of subsection A of this section shall contain provisions stating any of the requirements of the Third-party Administrator Act which apply to the functions performed by the administrator.
- C. If a policy is issued to a trustee, a copy of the trust agreement and any amendments to the agreement shall be furnished to the insurer by the administrator and shall be retained as part of the official records of both the insurer and the administrator for the duration of the policy and for five (5) years thereafter.
- D. Every administrator shall maintain at the principal administrative office of the administrator for the duration of the agreement and for five (5) years thereafter the written agreement required by the provisions of this section and records of all transactions among the administrator, insurers or trusts, and insured persons.
- E. 1. For the purposes of examination, audit, and inspection, the Insurance Commissioner or any other person in the course of examination, audit and inspection shall have access to books and records maintained by the administrator. Any trade secrets contained in these books and records, including the identity and addresses of policyholders and certificate holders, shall be confidential.
2. All work papers, recorded information, documents and copies thereof produced or obtained by or disclosed to the Commissioner or other person in the course of examination, audit and inspection made pursuant to this section, or in the course of analysis by the Commissioner or other person in the course of examination, audit and inspection, shall be given confidential treatment by the Commissioner and may not be made public by the Commissioner or any other person who obtained the information in the course of the examination, audit and inspection, except to the extent provided in this section. Access may be granted to the National Association of Insurance Commissioners. The parties shall agree in writing prior to receiving the information to provide it the same confidential treatment as required by this section, unless the prior written consent of the company to which it pertains has been obtained. The confidentiality and protection from discovery by subpoena provided for in this paragraph shall not be construed to be extended to identical, similar or other related documents or information or to the work papers that are not deemed to be in the possession, custody or control of the Commissioner.
3. The Commissioner may use this information in any proceedings instituted against the administrator.
- F. The insurer or trust shall have the right of continuing access to books and records maintained by the administrator sufficient to permit the insurer or trust to fulfill all of its contractual obligations to insured

persons, subject to any restriction in the written agreement between the insurer or trust and the administrator concerning the proprietary rights of the parties to said books and records.

G. The agreement required by the provisions of this section shall include provisions stating the underwriting standards or other standards pertaining to the business underwritten by the insurer or trust.

Licensed Insurance Carriers &/or Trusts Issuing Contracts of Insurance

The administrator shall submit, together with the application, a list of the licensed insurance carrier names, mailing addresses and NAIC CoCode (5 digit national license number) and/or a list of Trusts issuing contracts of insurance, their mailing address and FEIN of the entities with whom the administrator has contracted for life, health, annuity &/or stop loss coverage administered for Oklahoma covered lives.

If no licensed insurance carriers or trusts issuing contracts of insurance have contracted with the TPA, upload a written statement attesting no OK TPA business has been administered as of the initial application date.

Later, report any new contracted insurance carrier &/or trust or cancelled/non-renewed contracted insurance carrier &/or trust within 30 days of the change in writing on letterhead and upload the letter as a PDF document into the most current OPTins Renewal filing to provide a compliance record.

The Commissioner shall hold this information confidential except as provided in Section 1443 of this title.

Annual Report Terms Defined

- **Premiums Collected:** Total gross premiums collected for Oklahoma covered lives.
- **Total Paid Claims by the covered unit:** Within each “plan”, divide the total claims paid at the client fund level by the number of persons/units within the “ plan” for Oklahoma covered lives.
- **Funds Not Yet Disbursed (Fund Equity)** is the amount of premium collected as of the calendar year end that have not yet been remitted to the insurance carrier or the money waiting to be paid out on already adjusted/settled/process claims.
- **Fund Equity** is applicable if the TPA receives funding in advance for claims.
- **Year-to-Date Paid Claims:** Total of all claims paid as of the calendar year for each of the plans administered for Oklahoma covered lives.
- **CPA Review:** Any report filed by an administrator with accumulated year-to-date premiums collected or claims paid of Fifty Thousand Dollars (\$50,000.00) or more, whichever is greater, 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 CPA’s firm name, individual CPA’s name, CPA’s license number and state where licensed must be entered on the annual report form. Any report the CPA generates for the TPA and all work papers, recorded information, documents and copies thereof produced or obtained shall be held for five years to be reviewed or disclosed to the Commissioner or other person in the course of examination, audit and inspection made or in the course of analysis by the Commissioner or other person in the course of examination, audit and inspection.

License Renewal & Reinstatement – O.S. § 1450 – The administrator’s license shall continue in force no longer than twelve (12) months from the original month of issuance. Upon filing a renewal form prescribed by the Commissioner, accompanied by a fee of One Hundred Dollars (\$100.00), the license may be renewed annually for a one-year term. The renewal shall be filed, and the fee shall be paid electronically in a form and

manner prescribed by the Commissioner. A license that expires for failure to submit a renewal application may be reinstated within ninety (90) days after the expiration date by electronically submitting a fee in an amount of Two Hundred Dollars (\$200.00) in a form and manner prescribed by the Commissioner and any other transaction or other fee deemed necessary by the Commissioner. All applications received after the license has expired for more than ninety (90) days shall include a detailed report of administrator services provided in this state during the period of expired licensure. The administrator shall submit, together with the application for renewal, a list of the names and addresses of the persons with whom the administrator has contracted in accordance with [Section 1443](#) of this title. The Commissioner shall hold this information confidential except as provided in Section 1443 of this title.

Activity Attestation - All applications received after the license has expired for more than ninety (90) days shall include a detailed report of administrator services provided in this state during the period of expired licensure. Link to Form: <https://www.oid.ok.gov/wp-content/uploads/2023/08/Activity-Attestation-ver-2023-Final.pdf>

Reporting Requirements – 36 O.S. § 1450(G).

F. 1. The administrator’s license shall be issued or renewed by the Commissioner unless, after notice and opportunity for hearing, the Commissioner determines that the administrator is not competent, trustworthy, or financially responsible, or has had any insurance license denied for cause by any state, has been convicted or has pleaded guilty or nolo contendere to any felony or to a misdemeanor involving moral turpitude or dishonesty.

2. The administrator shall report to the Insurance Commissioner any administrative or criminal action taken against the administrator in another jurisdiction or by another governmental agency in this state within thirty (30) calendar days of the final disposition of the matter. This report shall include a copy of the order, consent to order, copy of any payment required as a result of the administrative or criminal action, or other relevant legal documents.

G. After notice and opportunity for hearing, and upon determining that the administrator has violated any of the provisions of the Oklahoma Insurance Code or upon finding reasons for which the issuance or nonrenewal of such license could have been denied, the Commissioner may either suspend or revoke an administrator’s license or assess a civil penalty not more than Five Thousand Dollars (\$5,000.00) for each occurrence. The payment of the penalty may be enforced in the same manner as civil judgments may be enforced.

H. Any person who is acting as or presenting himself or herself to be an administrator without a valid license shall be subject, upon conviction, to a fine not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00) for each occurrence. This fine shall be in addition to any other penalties which may be imposed for violations of the Oklahoma Insurance Code or other laws of this state.

I. Except as provided for in subsections F and G of this section, any person convicted of violating any provisions of the Third-party Administrator Act shall be guilty of a misdemeanor and shall be subject to a fine not more than One Thousand Dollars (\$1,000.00).

J. Each administrator shall electronically submit, in a form and manner prescribed by the Commissioner, any change of legal business name, “doing business as” or assumed name, address, service agent contact information, or contact email address, and any necessary fees within thirty (30) days after the change occurred. Any submission of a change under this subsection that is received more than thirty (30) days after the change occurred shall be accompanied by a fee of Fifty Dollars (\$50.00).

K. Upon receipt of any inquiry from the Insurance Commissioner, a licensed administrator shall furnish the Commissioner with an adequate response to the inquiry within twenty (20) days from receipt of the inquiry.

Charges or Premiums Collected &/or Procedure for Payment of Claims – 36 O.S. § 1445

A. All insurance charges or premiums collected by an administrator for an insurer or trust and all return premiums received from the insurer or trust shall be held by the administrator in a fiduciary capacity. These funds shall be

immediately remitted to the person entitled to the funds or shall be deposited promptly in a fiduciary bank account established and maintained by the administrator.

B. If charges or premiums deposited in a fiduciary account have been collected for more than one insurer or trust, the administrator shall keep records showing the deposits to and withdrawals from the account for each insurer or trust. The administrator, upon request of an insurer or trust, shall furnish copies of the records pertaining to deposits to and withdrawals from the account for that insurer or trust.

C. The administrator shall not pay any claim by withdrawals from a fiduciary account unless provisions for said withdrawals are included in the written agreement between the insurer or trust and the administrator. The written agreement shall authorize withdrawals by the administrator from the fiduciary account only for:

1. Remittance to an insurer or trust entitled to a remittance; or
2. Deposit in an account maintained in the name of an insurer or trust; or
3. Transfer to and deposit in an account established for payment of claims, as provided for by subsection D of this section; or
4. Payment to a group policyholder for remittance to the insurer or trust entitled to such remittance; or
5. Payment of commission, fees, or charges to the administrator; or
6. Remittance of return premiums to the person entitled to such return premiums.

D. All claims paid by the administrator from funds collected on behalf of the insurer or trust shall be paid on drafts, checks or electronic payment authorized by the insurer or trust.

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TPA Name Change: <https://www.oid.ok.gov/wp-content/uploads/2020/04/TPA-Name-Change-Form-2020.pdf>

SBS license Lookup System: <https://sbs.naic.org/solar-external-lookup/>

Documentation filed through the TPA's OPTins account is secure allowing only your TPA's authorized users and the Department's authorized users to view the filing documents and provides a dated compliance record to document statutory filing requirements to the Department, with up to 10 year's retention.