

**BEFORE THE COMMISSIONER OF INSURANCE  
OF THE STATE OF KANSAS**

In the Matter of the Proposed Adoption	)	
of the Financial Condition Examination	)	
Report as of December 8, 2006 of	)	Docket No. 4094-ER
<b>Dental Health Care, LLC</b>	)	

**ORDER**

NOW COMES on for formal disposition the matter of the proposed adoption of the financial condition examination report as of December 8, 2006, of Dental Health Care, LLC, a Kansas corporation. This matter is brought before the Commissioner of Insurance for adoption, rejection, or modification pursuant to the provisions of Kansas Statutes Annotated (“K.S.A.”) 40-222. This Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) days period if no request for hearing is made, pursuant to K.S.A. 77-542.

I, Sandy Praeger, the duly elected, qualified, and acting Commissioner of Insurance, having fully considered and reviewed the financial condition examination report, together with all written submissions, applicable rebuttals, and all relevant portions of the examiners’ work papers, and further, being fully advised on all premises, hereby find:

**Policy Reasons**

It is stated policy of the State of Kansas that whenever the Commissioner of Insurance deems it necessary, an examination of the affairs and financial condition of any insurance company in the process of organization, applying for admission, or doing business in this State can be undertaken. In all cases, such an examination must occur once every five (5) years.

Through the examination process, the insurance consuming public will be well served and protected.

### **Findings of Fact**

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to K.S.A. 40-222.

2. An examination of Dental Health Care, LLC was undertaken by the Kansas Insurance Department and was completed on December 8, 2006.

3. The examiner-in-charge tendered and filed with the Kansas Insurance Department a verified written report of the examination within thirty (30) days following completion of the examination, to wit; December 8, 2006.

4. Following receipt of the verified report, the Kansas Insurance Department transmitted the report to Dental Health Care, LLC on July 20, 2009, with a duly executed notice advising the company of its opportunity to prepare and submit to the Kansas Insurance Department a written submission or rebuttal with respect to any and all matters contained in the report. Dental Health Care, LLC was further advised that any written submission or rebuttal needed to be filed with the Kansas Insurance Department no later than thirty (30) days after receipt of the verified report.

5. Dental Health Care, LLC did not file a written acceptance of the verified report within 30 days allowed.

6. Based upon the non-response from Dental Health Care, LLC, the KID believes the company agrees with the verified report.

7. Within thirty (30) days of the end of the time period allowed for written submission or rebuttal, the Commissioner of Insurance fully reviewed the report, together with

all written submissions and rebuttals provided by Dental Health Care, LLC. The Commissioner of Insurance further reviewed all relevant work papers.

8. No other written submissions or rebuttals were submitted by Dental Health Care, LLC.

### **Conclusion of Law**

9. K.S.A. 40-222(k)(2) provides:

“Within 30 days of the end of the period allowed for the receipt of written submissions or rebuttals, the commissioner shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiners workpapers and enter an order:

(A) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, regulation or prior order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure such violations; or

(B) rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation or information, and refiling pursuant to subsection (k); or

(C) call and conduct a fact-finding hearing in accordance with K.S.A. 40-281 and amendments thereto for purposes of obtaining additional documentation, data, information and testimony.”

10. Based upon the Findings of Fact enumerated in paragraphs #1 through #8 above, the financial condition examination report as of December 8, 2006, of Dental Health Care, LLC should be adopted.

### **IT IS THEREFORE, BY THE COMMISSIONER OF INSURANCE, ORDERED THAT:**

1. The financial condition examination report as of December 8, 2006, of Dental Health Care, LLC, hereby is adopted.

2. The Commissioner of Insurance retains jurisdiction over this matter to issue any and all further Orders deemed appropriate or to take such further action necessary to dispose of this matter.

**Notice of Rights**

Dental Health, LLC (“Dental Health”) is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas Administrative Procedure Act. If Dental Health desires a hearing, it must file a written request for a hearing with:

John W. Campbell, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612.

This request must be filed within fifteen (15) days from the date of service of this Order. If Dental Health requests a hearing, the Kansas Insurance Department will notify them of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of same.

If a hearing is not requested in the time and manner stated above, this Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. In the event Dental Health files a petition for judicial review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is:

John W. Campbell, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612.

IT IS SO ORDERED THIS   1st   DAY OF   March  , 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



  /s/ Sandy Praeger    
Sandy Praeger  
Commissioner of Insurance

BY:

  /s/ John W. Campbell    
John W. Campbell  
General Counsel

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing Order was forwarded via first class mail, postage prepaid on the   1st   day of March 2010 to:

Mary Eldridge  
Dental Health Care, LLC  
210 East 30<sup>th</sup>, Suite 115  
Hutchinson, KS 67502

  /s/ Zachary J.C. Anshutz    
Zachary J.C. Anshutz  
Assistant General Counsel