

# FINAL ORDER

EFFECTIVE: 8-7-13

## 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 31, 2011 ) Docket No. 4594-ER  
Delta Dental of Kansas, Inc. )  
NAIC Code: 54615 )

### CONSENT ORDER

NOW COMES on for formal disposition the matter of the proposed adoption of the financial condition examination report as of December 31, 2011 of Delta Dental of Kansas, Inc., a Kansas corporation. This matter is brought before the Commissioner of Insurance for adoption, rejection, or modification pursuant to the provisions of K.S.A. 40-222.

The Kansas Insurance Depart ("KID") and Delta Dental of Kansas, Inc. wish to resolve this matter by entering into this Consent Order. Delta Dental of Kansas, Inc. hereby waives any and all rights to further administrative adjudication or review of this matter, including any and all right conferred upon it under K.S.A. 77-501 *et seq.* This Consent Order constitutes the Final Order in this matter.

The Commissioner, 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 Delta Dental of Kansas, Inc. was undertaken by the Kansas Insurance Department and was completed on May 10, 2013.

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; May 10, 2013.

4. Following receipt of the verified report, the Kansas Insurance Department transmitted the report to Delta Dental of Kansas, Inc. on June 5, 2013, 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. Delta Dental of Kansas, Inc. 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. Delta Dental of Kansas filed a written *comment* of the verified report on June 21, 2013.

6. Following receipt of the verified report, the Kansas Insurance Department transmitted the revised report to Delta Dental of Kansas, Inc. on July 1, 2013, 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. Delta Dental of Kansas, Inc. was further advised that any written submission or rebuttal needed to be filed with the Kansas Insurance Department no later than ten (10) days after receipt of the verified report.

7. Delta Dental of Kansas, Inc. filed a written acceptance of the verified report on July 23, 2013.

8. Based upon the written submission tendered by Delta Dental of Kansas, the company took no exceptions to matters contained in the verified report.

9. 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 Delta Dental of Kansas, Inc.. The Commissioner of Insurance further reviewed all relevant workpapers.

10. No other written submissions or rebuttals were submitted by Delta Dental of Kansas Inc.

#### **Conclusion of Law**

11. 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.”

12. Based upon the Findings of Fact enumerated in paragraphs #1 through #10 above, the financial condition examination report as of December 31, 2011 of Delta Dental of Kansas, Inc. should be adopted.

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

- 1. The financial condition examination report as of December 31, 2011 of Delta Dental Plan, Inc. 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.

**IT IS SO ORDERED THIS 7th DAY OF August, 2013 IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



/s/ Sandy Praeger

Sandy Praeger

Commissioner of Insurance

By:

\_John Wine\_\_\_\_\_

John Wine

General Counsel

**Delta Dental of Kansas, Inc.**

By:

\_/s/ Linda Lee Brantner\_\_\_\_\_

Linda Lee Brantner

President

**Certificate of Service**

The undersigned hereby certifies that he served a true and correct copy of the above and foregoing **Order** and accompanying **Notice of Rights** on this \_\_7<sup>th</sup>\_\_ day of \_\_August\_\_, 2013, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Michael J. Herbert, Chief Financial Officer  
Delta Dental of Kansas, Inc.  
1619 N. Waterfront Parkway  
Wichita, KS 67206

\_/s/ Tian Xiao\_\_\_\_\_

Tian Xiao  
Chief Examiner