

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

In the Matter of)	
Advanced Benefit Management Systems)	Docket No. 78342
USA, D/B/A ABMS USA, Inc.)	
NAIC# 902956)	

SUMMARY ORDER

(Pursuant to K.S.A. 40-3815 and K.S.A. 77-501 *et seq.*)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-3815, the Commissioner hereby revokes the Third-Party Administrator (“TPA”) License of Respondent, **Advanced Benefit Management Systems USA, D/B/A ABMS USA, Inc.** (“ABMS”). This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-537 and 77-542.

Findings of Fact

The Commissioner finds the following facts:

1. ABMS has been licensed as a nonresident TPA in Kansas since 2018.
2. ABMS’s nonresident license was granted based on its Missouri home state license.
3. Missouri has adopted laws governing TPAs which are substantially similar to those in Kansas.
4. On October 1, 2019, the Missouri Department of Insurance informed Kansas that ABMS’s license in Missouri had become inactive due to nonpayment of fees.
5. Issuance and continuation of the Kansas TPA license is based upon the Missouri license, therefore ABMS no longer meets the criteria for a nonresident TPA license in Kansas.

Applicable Law

1. **K.S.A. 40-3813 Same; nonresident license; fees.** (a) Unless an administrator has obtained a home state license in this state, any administrator who performs duties as an administrator in this state shall obtain a nonresident administrator license in accordance with the provisions of this section by filing with the commissioner the uniform application, accompanied by a letter of certification. In lieu of requiring an administrator to file a letter of certification with the uniform application, the commissioner may verify the nonresident administrator's home state certificate of authority or license status through an electronic database maintained by the NAIC, its affiliates or subsidiaries. (b) An administrator shall not be eligible for a nonresident administrator license under the provisions of this section if it does not hold a license in a home state that has adopted a substantially similar law governing administrators.

...

(h) The commissioner may refuse to issue a nonresident administrator license, or delay the issuance of a nonresident administrator license, if the commissioner determines that, due to events or information obtained subsequent to the home state's licensure of the administrator, the nonresident administrator cannot satisfy the requirements of this act or that grounds exist for the home state's revocation or suspension of the administrator's home state certificate of authority or license.

2. **K.S.A. 40-3815. Same; denial, suspension or revocation of license.**

(b) The commissioner may deny, suspend or revoke the license of an administrator if the director finds that the administrator:

- (1) Has violated any lawful rule or regulation or order of the commissioner or any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto;

...

(4) fails, at any time, to meet any qualification for which issuance of the license could have been refused had the failure then existed and been known to the commissioner.

Conclusions of Law

1. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. The Commissioner finds that Respondent's Kansas nonresident third-party administrator license may be revoked because it has failed to comply with statutory requirements to maintain a valid home state license.

Orders

Based on the Findings of Fact, Applicable Law, and conclusions cited above, **THE COMMISSIONER OF INSURANCE THEREFORE ORDERS THAT:**

1. The Kansas nonresident third-party administrator License of **Advanced Benefit Management Systems USA, Inc. D/B/A ABMS USA, Inc.** is hereby **REVOKED** on the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **Advanced Benefit Management Systems USA, Inc. D/B/A ABMS USA, Inc.** shall **CEASE** and **DESIST** from providing TPA services within the State of Kansas after the effective date of this Order.

IT IS SO ORDERED THIS 10th DAY OF JANUARY 2020, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Vicki Schmidt
Commissioner of Insurance

BY:

Justin L. McFarland
General Counsel

NOTICE AND OPPORTUNITY FOR HEARING

Advanced Benefit Management Systems USA, Inc. D/B/A ABMS USA, Inc., within fifteen (15) days of service of this Summary Order, may file with the Kansas Insurance Department a written request for hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

Justin L. McFarland, General Counsel
Kansas Insurance Department
1300 SW Arrowhead Rd.
Topeka, Kansas 66604

If a hearing is not requested, this Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period for requesting a hearing. The Final Order will constitute final agency action in the matter.

In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

Justin L. McFarland, General Counsel
Kansas Insurance Department
1300 SW Arrowhead Rd.
Topeka, Kansas 66604

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 10th day of January 2020, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Advanced Benefit Management Systems USA, Inc.
D/B/A ABMS USA, Inc.
4000 Faber Place Drive Suite 300
Charleston, SC 29405



Tomi Garrard
Senior Administrative Assistant