STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of: SANA BENEFITS, Inc., Respondent.	Case No. INS-20-0021 FINAL ORDER TO CEASE AND DESIST, AND ORDER SUSPENDING LICENSE AND ASSESSING CIVIL PENALTY, ENTERED BY DEFAULT

On March 3, 2020, the Division of Financial Regulation ("Division") acting on behalf of the Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), served Notice of Administrative Order INS-20-0021 ("Notice") on Sana Benfits, Inc ("Respondent"). The Notice provided notice that the Director issued an order to cease and desist and proposed an order assessing civil penalties against Respondent for violations of Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750 and the rules promulgated thereunder ("Insurance Code").

The Notice offered Respondent an opportunity for a hearing if requested within 20 days of the Notice. The Notice further informed Respondent that if a hearing were not conducted because Respondent did not timely request a hearing or otherwise defaulted, then the designated portion of the Division's file and all materials submitted by Respondent in this case would automatically become part of the contested case record for the purpose of proving a prima facie case.

The Director did not receive from Respondent a request for a hearing and did not conduct a hearing.

The Director finds that the record of this proceeding proves a prima facie case.

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Now, therefore, after considering the relevant portions of the Division's file relating to this matter, the Director finds and orders as follows.

FINDINGS OF FACT

The Director FINDS that:

1. Respondent has been licensed by the Director, by and through the Division, as an Oregon third party administrator since March 16, 2018. Respondent's License expires on March 31, 2022. Respondent's NAIC license number is 3000260272.

2. Respondent was licensed as a third party administrator in Oregon from March 16, 2018 through the end of the 2018 calendar year.

3. Respondent did not file its annual report for the 2018[1] calendar year on or before the deadline of March 1, 2019.

4. The Division reminded Respondent of its annual reporting requirement by email on January 29, 2019, and advised that if Respondent did not file its 2018 annual report on or before March 1, 2019, Respondent could be subject to civil penalties, license suspension, or license revocation.

5. The Division advised Respondent by email on December 16, 2019, that the Division had not received Respondent's 2018 annual report. The Division gave Respondent an additional 30 days from December 16, 2019, to file its 2018 annual Report.

6. Respondent did not file its 2018 annual report within 30 days of December 16, 2019, and as of the date of this Order still has not filed its 2018 annual report with the Division.

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[1] Due to a typographical error, the Notice at this paragraph indicated that Respondent had failed to file its annual report for 2017, rather than 2018. That error has been corrected and this order accurately reflects that Respondent failed to file its 2018 annual report.

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CONCLUSIONS OF LAW

The Director CONCLUDES that:

7. A person may not transact business or purport or offer to transact business as a third party administrator in Oregon unless the person is licensed by the Director, by and through the Division, as a third party administrator. ORS 744.702.

8. Respondent is licensed with the Division as a third party administrator.

9. Under ORS 744.718(2)(j), the Director may suspend a third party administrator license if a licensee violates any rule or order of the Director or any provision of the Insurance Code.

10. Under ORS 744.738(1) and Oregon Administrative Rule ("OAR") 836-075-0040, Respondent, as a third party administrator licensee in Oregon, was required to file an annual report with the Division for the 2018 calendar year.

11. The deadline for Respondent to file the 2018 annual report with the Division was March 1, 2019. Respondent did not file its 2018 annual report with the Division on or before the deadline, in violation of ORS 744.738(1) and OAR 836-075-0040.

12. The Director may suspend Respondent's Oregon third party administrator license under ORS 744.718(2)(j) on the basis that Respondent violated Insurance Code provision ORS 744.738(1) and OAR 836-075-0040.

13. Under ORS 731.988(1), the Director may assess a civil penalty of up to $10,000 against any person that violates a provision of the Insurance Code or any lawful rule or final order of the Director.

ORDERS

Now therefore, the Director issues the following Orders:

14. As authorized by ORS 731.252(1), the Director ORDERS Respondent to CEASE AND DESIST from violating any provision of the Insurance Code or the administrative rules promulgated thereunder.

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15. Based upon the foregoing and in accordance with ORS 744.718(2)(j), the Director SUSPENDS Respondent's Oregon third party administrator license on the basis that Respondent violated ORS 744.738(1) and OAR 836-075-0040.

16. In accordance with ORS 731.988(1), the Director assesses a CIVIL PENALTY of $1,000 (One Thousand Dollars) against Respondent for violating ORS 744.738(1) and OAR 836-075-0040.

17. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order does not limit other remedies that are available to the Director under Oregon law.

NOTICE OF RIGHT TO JUDICIAL APPEAL

Judicial review of final orders in contested cases is governed by ORS 183.482. Respondent may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date this order is served.

SO ORDERED this 14th day of April, 2020.

Andrew R. Stolfi, Acting Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

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