

**BEFORE THE DIVISION OF INSURANCE  
DEPARTMENT OF LABOR AND REGULATION  
STATE OF SOUTH DAKOTA**

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<b>IN THE MATTER OF</b>	)	
<b>USABLE MUTUAL INS. CO.</b>	)	<b>CONSENT ORDER</b>
	)	

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In resolution of the above matter and in lieu of issuance of a Notice of Hearing and a formal hearing, the undersigned parties do hereby agree to the following:

USABLE MUTUAL INS. CO., ("USable") whose mailing address of record is 320 W. Capitol Ave, Suite 211, Littlerock, AR 72201, is an applicant for a Utilization Review Organization ("URO") registration and it holds an active registration as a third party administrator ("TPA") in the State of South Dakota;

USable is aware the South Dakota Division of Insurance ("Division") has conducted an investigation into their business related activities;

The South Dakota Division of Insurance alleges the following with regards to USable:

- 1) USable previously held a valid URO registration in the State of South Dakota which expired on July 1, 2017;
- 2) USable failed to timely renew its URO registration and continued performing Utilization Review work without registering with the Division, in violation of SDCL §§ 58-17H-35, 58-17H-36, and 58-17H-38;
- 3) USable filed an application to renew their URO registration June 28, 2018;
- 4) Pursuant to SDCL §§ 58-17H-35 and 58-17H-38, the Director of the Division of Insurance may deny USable registration application and issue USable an order to cease and desist all URO activities for the above cited conduct.

USable is aware of and understands the nature of the allegations and has been informed that it has the right to a Notice of Hearing, counsel and appeal and that by agreeing to sign this Consent Order, waives these rights;

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In return for USable agreeing to and complying with the provisions of this Consent Order, the Division agrees not to proceed with the denial of USable's application and a subsequent administrative hearing and agrees that this Consent Order will constitute an informal and complete disposition of this licensing matter and the prior period of non-licensure pursuant to SDCL § 1-26-20;

USable agrees to pay \$4,000 pursuant to SDCL §§ 58-4-28.1, 58-17H-35, and 58-17H-38, and, in lieu of an application denial, administrative hearing, and Final Decision;

USable further agrees to conduct itself in accordance with the insurance laws and regulations of the State of South Dakota;

USable further agrees that this Consent Order may be considered for the purpose of determining the appropriate sanction in any future actions with the Division for any violations of the laws or regulations of the State of South Dakota or for failing to abide by any order of the Director;

USable waives its right to contest the allegations contained in this Consent Order in any future actions or licensing procedures;

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that USABLE pay a monetary penalty in the amount of \$4,000 payable to "South Dakota Division of Insurance" for deposit in the general fund of the State of South Dakota; and it is further


ORDERED that USABLE abide by the agreements made by it in this Consent Order; and it is further

ORDERED that the URO registration application from USABLE is approved as of the effective date of this Consent Order; and it is further

ORDERED that the use of this Consent Order for competitive purposes by an insurance agent or third-party administrator holding a license in the State of South Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority; and it is further

ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated at Pierre, South Dakota this 15<sup>th</sup> day of October, 2018.

  
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Larry Deiter, Director  
South Dakota Division of Insurance

The undersigned, on behalf of USABLE represents it understands the terms of this Consent Order and the waiver of its due process rights and voluntarily enters into this Consent Order.

Dated this 2<sup>nd</sup> day of October, 2018.

Connie A. Meeks  
\_\_\_\_\_  
Signature of Authorized Representative

Connie A. Meeks  
\_\_\_\_\_  
Printed Name

SVP, Chief Medical Officer  
\_\_\_\_\_  
Title