

No. **02-0608**

**OFFICIAL ORDER
OF THE
COMMISSIONER OF INSURANCE
OF THE
STATE OF TEXAS
AUSTIN, TEXAS**

Date: **JUN 12 2002**

Subjects Considered:

**CORPORATE BENEFIT SERVICES OF AMERICA, INC.
10159 Wayzata Blvd.
Minnetonka, MN 55305**

**AGREED ORDER MODIFYING
EMERGENCY CEASE AND DESIST ORDER NO. 02-0487**

General remarks and official action taken:

On this date came on for consideration by the Commissioner of Insurance a request by Corporate Benefit Services of America, Inc. ("CBSA") and staff counsel for the Texas Department of Insurance ("TDI") to modify Emergency Cease and Desist Order No. 02-0487, entered by the Commissioner on May 9, 2002.

Order No. 02-0487 named several respondents including CBSA, ordering all respondents to cease and desist from certain acts of unauthorized insurance. CBSA, a third party administrator licensed by the TDI, has filed a timely request for a hearing to vacate or modify Order No. 02-0487. Among the contentions made is that the Order is overly broad in that it arguably prohibits CBSA from administering health plans that it is authorized by law to administer and which were not specifically the subject of, or named in, Order No. 02-0487.

TDI staff and counsel for CBSA have agreed to the entry of the instant modification order.

Based upon the arguments raised, and not being presented any evidence that any other plans being administered by CBSA constitute unauthorized insurance, the Commissioner finds that Order No. 02-0487 should be modified.

The Commissioner finds that he has authority and jurisdiction over this matter pursuant to TEX. INS. CODE ANN. §§ 83.051, 84.021-84.044, 101.001-101.156, and arts. 1.14, 3.95-2, 21.07-6, 21.21, 28 TEX. ADMIN. CODE §§ 1.901 *et seq.*, 7.1601-7.1617, 7.1901-1915, 19.1701-1722, and 21.1-21.122, and TEX. GOV'T CODE ANN. §§

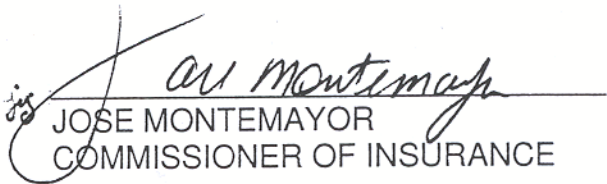
02-0608

COMMISSIONER'S ORDER
CORPORATE BENEFIT SERVICES OF AMERICA, INC.
Page 2 of 2

2001.051 - 2001.178. Pursuant to TEX. INS. CODE ANN. § 83.054, the Commissioner has jurisdiction to modify the prior Emergency Cease and Desist Order.

IT IS THEREFORE ORDERED that Order No. 02-0487 is hereby modified as to respondent Corporate Benefit Services of America, Inc., retroactive to May 9, 2002, to apply only to health plans affiliated with the NGMP Health and Welfare Benefit Trust and the Solidarity Health & Welfare Benefit Trust. Order No. 02-0487 shall not apply to prohibit CBSA from administering any other health plans which it is properly licensed or otherwise permitted by law to administer.

The remainder of Order No. 02-0487 continues in force and effect until further order of the Commissioner of Insurance.


JOSE MONTEMAYOR
COMMISSIONER OF INSURANCE