

March 26, 2019

Reference ID 1032717

Enclosed is the certificate of authority issued to Five Points Benefit Plans, LLC, El Paso, Texas, to operate as a Third Party Administrator in Texas in accordance with Texas Insurance Code, Chapter 4151.

You are reminded that this certificate of authority is continuous until revoked, canceled or suspended and therefore does not require renewal. However, you should make yourself familiar with Texas Insurance Code, Chapter 4151 and 28 Texas Administrative Code Sections 7.1601 – 7.1618 which has a number of notification requirements as well as annual filing requirements. These requirements include, but are not limited to, the following:

- A. Texas Insurance Code Section 101.102 prohibits a person from directly, or indirectly, doing an act that constitutes the business of insurance except as authorized by statute.
- B. Texas Insurance Code Section 4151.051 and 28 Texas Administrative Code Sections 7.1603 and 7.1607 require you to obtain a certificate of authority before acting as an administrator.
- C. Texas Insurance Code Section 4151.101 requires that TPAs must have a written agreement with an insurer or plan sponsor that complies with Texas Insurance Code Sections 4151.102, 4151.108, 4151.110, 4151.111, and 4151.117.
- D. Texas Insurance Code Section 4151.107 requires premiums, contributions, or return premium to be promptly deposited into a fiduciary bank account. If the money deposited into the fiduciary account is collected on behalf of more than one insurer, plan, or plan sponsor, you must maintain separate records that clearly record deposits and withdrawals from the account for each one.
- E. Withdrawals from fiduciary accounts must be for the purposes set out in Texas Insurance Code Section 4151.108, comply with the written agreement and Texas Insurance Code Section 4151.109.
- F. You must adjudicate claims in accordance with Texas' prompt pay requirements but in any case not later than 60 days after receipt of a valid proof of loss.

- G. On or before June 30th of every year, you must submit a complete TPA Annual Report (FIN486) concerning your organization, operations, and status for the preceding year as required by Texas Insurance Code Section 4151.205 and 28 Texas Administrative Code Section 7.1609. You must submit this form even if you had no business in Texas.
- H. Maintenance taxes must be paid to the Office of the Texas Comptroller of Public Accounts annually as required by Texas Insurance Code Section 259.
- I. You must notify the Department, within 30 days, of any material change of fact or circumstance that may have an impact on your operations as required by Texas Insurance Code Section 4151.052 (b) and 28 Texas Administrative Code Section 7.1607.
- J. You must maintain and provide TDI with access to books and records as required by Texas Insurance Code Section 4151.113.

You can verify the certificate of authority has been issued and obtain your license number from the following sources:

- A. The license that you receive via email,
- B. TDI website www.tdi.texas.gov , and
- C. Company Licensing and Registration: 512-676-6375.

If you have any questions about Texas third party administrator rules or laws, please do not hesitate to call our office at (512)676-6375. Additional information regarding TPAs as well as links to rules, statutes and necessary forms can also be accessed via the internet on TDI's website at www.tdi.texas.gov/licensing/company/agtpa1.html. We look forward to working with you and your staff.

Sincerely,



Stacey Kurazawa, TDI Company Licensing and Registration