



LOUISIANA DEPARTMENT OF INSURANCE  
JAMES J. DONELON  
COMMISSIONER

**INSTRUCTIONS FOR  
APPLICATION TO ACT AS A  
THIRD PARTY ADMINISTRATOR  
IN THE STATE OF LOUISIANA**

**GENERAL INSTRUCTIONS**

This packet is designed to assist the individual preparing the application in complying with all statutory and administrative requirements to make application to the Louisiana Department of Insurance (LDOI) for a third party administrator license. The forms and procedures of the application process are designed to facilitate our review of the application. Therefore, it is extremely important that all applicants comply fully with the instructions and requirements set forth in this packet.

Direct all communication to:

Louisiana Department of Insurance  
Company Licensing Division  
P.O. Box 94214  
Baton Rouge, LA 70804-9214  
Or  
1702 3<sup>rd</sup> St. Baton Rouge, LA 70802  
Phone: (225) 219-4318  
Fax: (225) 342-7401  
Email :mboutwell@ldi.state.la.us

While the LDOI will be happy to assist you and answer any questions you may have, we ask that you thoroughly review all instructions and forms before contacting us.

1. All submittals in association with this application must reach us via the United States Postal Service or a carrier with interstate business. Hand delivery is not acceptable and any information arriving in this manner will be returned without review. Send all correspondence to the attention of the Company Licensing Division, Louisiana Department of Insurance to assure prompt receipt and handling.
2. Submit only a fully completed application. Submittal of a partially completed application will cause processing delays and may result in disapproval of the application.
3. Do not alter the forms contained in this packet. If you feel the requirements do not apply to the applicant, notify us. We will supply the proper form, if appropriate, and/or answer any questions you have about the forms.
4. All original items submitted become the property of the Louisiana Department of Insurance and will not be returned.
5. All certified documents required in the application must be dated within ninety (90) days of submittal of the application and all certifications must be original.

6. All entries in the application forms must be typed or printed. Illegible entries or responses will be considered incomplete and may result in the disapproval of the application.
7. When designating a contact person for the application process, please remember that our staff will communicate only with that individual. The application process is considered confidential and will not be discussed with any person other than the named contact person. We must be notified in writing of any change in the contact person.
8. You must notify the LDOI of any changes in the applicant or the information submitted in association with this application which occur while the application is under review. This includes changes in officers and directors and changes in address or domicile, amendments to the articles of incorporation or other organizational documents and any other modifications to the information submitted. Failure to notify us of such changes may result in disapproval of the application.
9. Unless otherwise indicated in the forms, all applicants must supply all items requested in this packet. If, for some reason, a required item is not available or appropriate, a written explanation must be supplied upon submission.
10. It is the responsibility of the applicant to ensure that none of the responses and submittals in association with this application conflict with the information filed with the domiciliary or any other regulatory agency. Conflicting information will result in the disapproval of the application.

#### **REGISTRATION WITH THE LOUISIANA SECRETARY OF STATE**

The submission of this application to the Louisiana Department of Insurance does not in any way exempt a corporation or any other juridical entity from the requirements of registration with the Louisiana Secretary of State. It is the responsibility of the applicant to contact that Office and make whatever arrangements may be necessary. The address and telephone number are as follows:

Louisiana Secretary of State  
Corporations Division  
P.O. Box 94215  
Baton Rouge, LA 70804-9215  
(225) 925-4704  
[www.sos.louisiana.gov](http://www.sos.louisiana.gov)

#### **INCORPORATION BY REFERENCE**

Any document required as an attachment or exhibit of this application which is already on file with the LDOI as a result of a filing made in association with an active license or registration with this Department may be incorporated into this application by reference. To make such an incorporation the applicant should, in lieu of the exhibit or document to be incorporated, supply a statement indicating that the document is already on file with the LDOI, the purpose for which the document was previously filed with the LDOI and confirmation that there have been no changes to the document as previously filed.

## SPECIAL INSTRUCTIONS FOR ATTESTATION PAGE

This application is designed to be an authentic act under Louisiana law. As such, the attestation page requires the signature of an officer which must be witnessed by two persons AND executed before a notary.

If the application is filed in the name of an individual, the individual must sign the application. If the application is filed for other than a natural person (individual), the application must be signed by an executive officer or other comparable responsible person (officer, director, partner or sole proprietor).

## COMMON QUESTIONS

The following are some of the most commonly asked questions regarding the application package and process.

**Q: Where can I find the laws and regulations governing third party administrators in Louisiana?**

**A: Title 22 of the Louisiana Revised Statutes is the Louisiana Insurance Code (the Code) and most laws enacted by the Louisiana Legislature which affect third party administrators can be found in that Title. The portions of the Code dealing specifically with third party administrators are La. R.S. 22:1641-1657. The statute which addresses fees payable in association with third party administrator licenses and filings is La. R.S. 22:821 (15). Title 23 of the Louisiana Revised Statutes also contains the laws governing third party administrators for workers' compensation self-insured fund formed pursuant to that Title. The specific statute in Title 23 is La. RS 23:1196. The LDOI has also issued Regulation 42 in regard to administrators and service companies for workers' compensation self-insured funds. Copies of the applicable statutes as well as copies of any applicable Rules and Regulations can be obtained from the LDOI web site at [www.ldi.state.la.us](http://www.ldi.state.la.us).**

**Q: Is there a difference between a service company for a workers' compensation self-insured fund formed pursuant to Title 23 and a third party administrator?**

**A: Because of the type of services commonly performed for workers' compensation self-insured funds by service companies, such companies may fall into the definition of a third party administrator as set forth in La. R.S. 22:1641(1). Therefore, each entity acting as a service company for such a fund should review the definition and determine if it would be considered a third party administrator.**

**Q: What is the time frame for the review of an application?**

**A: This Department reviews all applications as soon after submittal as possible. The review process can be expected to take from sixty (60) to ninety (90) days from receipt of a complete application. Please take this time frame into account when considering deadlines and operation schedules for the applicant.**

**Q: Can the forms in the application packet be recreated on a word processor for completion by the applicant?**

**A: No. The forms in this packet are designed for ease of recognition by our staff and, in many cases, in strict compliance with statutory wording requirements. Therefore, any changes in the format or wording of the forms will cause delays in the review and may lead to the disapproval of the application. The forms are made available on our web site in a format that allows for entry of information directly onto the form.**

**Q: If an administrator is not licensed until late in the year, are they still required to file an annual report?**

**A: Yes. All administrators licensed on or before December 31 of the reporting year must file an annual report for that year and pay the annual report fee.**

**Q: Can the statutory deposit or bond requirements be met after an approval is given on the application?**

**A: No. All deposits must be in place at the time that the application is submitted. Failure to make the required deposit prior to application review will result in the disapproval of the application.**

**Q: Is there a particular financial institution which the Department prefers for the statutory deposit?**

**A: No. Statutes require only that the deposit be placed in a savings and loan or banking institution doing business in Louisiana. Any institution which meets this requirement is acceptable to this Department.**

**Q: Is a foreign or non-resident applicant required to be licensed in the state of domicile or residence as a third party administrator before applying in Louisiana?**

**A: No. Louisiana law has no requirement for foreign or non-resident applicant to be licensed in the domiciliary or resident state before applying in Louisiana.**

**Q: Can we meet with the Department for a preliminary review of our application prior to submission?**

**A: Yes. Our staff will be happy to meet with representatives of the applicant to review the application before it is actually submitted. It should be noted, however, that this courtesy review is to help assure completeness only and our Division will not issue a preliminary approval or disapproval of the application prior to submission. Any application sent to this Office via U.S. Mail will be considered submitted for review and will not be eligible for a pre-review. You may make an appointment for preliminary review by contacting the Company Licensing Division of the Louisiana Department of Insurance. Preliminary reviews will be performed only with an appointment.**



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**APPLICATION TO ACT AS A  
THIRD PARTY ADMINISTRATOR  
IN THE STATE OF LOUISIANA**

General Information (Type or Print)	
APPLICANT NAME: _____	
TRADE NAME: _____	
FEI OR SOCIAL SECURITY NO.: _____ DOMICILE: _____	
CONTACT _____ CONTACT TITLE: _____	
CONTACT ADDRESS: _____ _____ _____	
PHONE: _____ FACSIMILE: _____	
E-MAIL: _____	
† This Office will only communicate with the named contact person.	
FEES	
Initial Application	\$ 500.00
<b>Total Amount This Check</b>	<b><u>500.00</u></b>

## SECTION 2 – ADDRESS AND CONTACT INFORMATION

<b>DOMICILE ADDRESS: Below give the domiciliary (registered office) address of the administrator.</b>		
Address:		
City:	State:	Zip:

<b>MAILING ADDRESS: Below give the mailing address of the administrator.</b>		
Address:		
City:	State:	Zip:

<b>ADMINISTRATIVE OFFICE ADDRESS: Below give the physical address of the main administrative office of the administrator.</b>		
Address:		
City:	State:	Zip:

<b>BOOKS AND RECORDS LOCATION: Below give the physical address where the books and records of the administrator are available for inspection by the Louisiana Commissioner of Insurance.</b>		
Address:		
City:	State:	Zip:

<b>PRIMARY CONTACT: Below give the name, address, phone number and email address for the primary contact person with whom this Department should communication after completion of the licensing process.</b>		
Name:		
Address:		
City:	State:	Zip:
Phone Number:	Email Address:	

## SECTION 2 – ADDRESS AND CONTACT INFORMATION - Continued

<b>COMPLAINT CONTACT:</b> Below give the name, address, phone number and email address for the contact person to whom consumer complaints should be directed.		
Name:		
Address:		
City:	State:	Zip:
Phone Number:	Email Address:	

<b>CONTACT PHONE NUMBERS</b> Below give the appropriate phone number for the indicated function. If the applicant has designated numbers for specific functions, include that information below.	
FUNCTION	PHONE NUMBER
Primary Phone Number of Applicant	
General Consumer Inquiries	
Other (explain) _____	
Other (explain) _____	
Other (explain) _____	

<b>WEB ADDRESS:</b> If the applicant maintains a web site, give the URL or World Wide Web address of the site.

## SECTION 3 - SOLICITATION INFORMATION

Will the applicant be managing the solicitation of new or renewal business or directly soliciting insurance contracts or otherwise acting as an agent? <span style="float: right;"><input type="checkbox"/> YES      <input type="checkbox"/> NO</span>		
If yes, provide the name, social security number or federal employer identification number (for a partnership or corporation) for the licensed Louisiana producer performing the solicitation. If the producer is other than the applicant, indicate whether the producer is an employee of or under contract with the applicant.		
Agent Name	Social Security No. or FEIN	Status (Employee or Under Contract)



## SECTION 5 - INTERROGATORIES

All of the following questions must be answered for every applicant. ATTACH A FULL EXPLANATION AND THE REQUESTED INFORMATION FOR ANY "YES" ANSWERS

1) Has the applicant ever had an application denied by any state or federal regulatory authority? (If yes, provide details including the type of application, the identity of the authority which issued the denial, the reasons for the denial and an explanation of any subsequent events.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
2) Has the applicant or any entity which is affiliated or under the same general management, interlocking directorate or ownership as the applicant ever had a Certificate of Authority or license suspended or revoked by any regulatory authority? (If yes, provide details including the type of action, the identity of the authority that took the action, the reasons for the action, a copy of the order or other such notice of the action and an explanation of any subsequent events.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
3) Has the applicant ever been subject to any regulatory action including cease and desist orders, fines, consent agreements or similar actions? (If yes, provide details including the type of action, the identity of the authority that took the action, the reasons for the action, a copy of the order or other such notice of the action and an explanation of any subsequent events.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
4) Has the applicant ever been placed into any type of regulatory supervision or rehabilitation by any regulatory authority? ( If yes, provide details including the type of action, the identity of the authority that took the action, the reasons for the action, a copy of the order or other such notice of the action , an explanation of any subsequent events and an explanation of the current status.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
5) Is the applicant currently involved in any dispute or controversy with any regulatory authority?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
6) Has the applicant ever been the subject of bankruptcy or liquidation proceedings? (If yes, provide the jurisdiction of the proceedings, the docket number, the current status and the date of final disposition.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
7) Is the applicant currently a defendant or the subject in any legal action alleging fraud, dishonesty or breach of trust on the part of the applicant or its officers, directors, trustees or members? (If yes, supply a statement giving the jurisdiction of the case, a summary of the allegations, the case style (name) and a summary of the current status of the case.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
8) Has the applicant or any person who is presently an officer, director or owner of 10 percent or more of the applicant ever been convicted of or pleaded guilty or nolo contendere to, or found liable of indictment or bill of information, in any jurisdiction, charging a felony or misdemeanor other than minor traffic violations?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
9) Within the last five years, has the applicant changed its name?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
10) Within the last five years, has the applicant undergone a change in domicile? (Changes of domicile address within the same state need not be included.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
11) Within the last five years, has the applicant merged or consolidated with any other entity?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
12) Within the last five years, has the applicant undergone a change in ownership (direct or indirect) of 10 percent or more? (If yes, provide a full explanation of the change in ownership and an organizational/ownership chart which clearly shows the ownership of the licensee both before and after the transaction.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO

## SECTION 5 – INTERROGATORIES – Continued

13) Is the applicant presently negotiating or inviting negotiations or acting as party to a counter-letter which would result in a merger or consolidation with any other entity or which would result in a change of ownership of 10 percent or more of the applicant?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
14) Does the applicant contemplate a change in management or any transaction which would normally result in a change of management within the foreseeable future?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
15) Is the applicant owned, operated or controlled, directly or indirectly, by any other state or province, district, territory or nation or any governmental subdivision or agency?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
16) Is the applicant or any entity which is affiliated or under the same general management, interlocking directorate or ownership as the applicant currently licensed in any capacity by the Louisiana Department of Insurance? (If yes, provide the full name of the affiliated entity and the type of license(s) held in Louisiana.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
17) Has the applicant or any entity which is affiliated or under the same general management, interlocking directorate or ownership as the applicant operated in any capacity in Louisiana for which it would be required to be licensed by the Louisiana Department of Insurance without having first obtained the necessary license?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
18) Is the applicant currently undergoing an examination or audit (whether routine, targeted or otherwise) being conducted by any state or federal regulatory authority?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
19) Is the applicant part of an insurance holding company group? (If yes, provide the holding company group code assigned by the NAIC _____.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
20) Is the applicant or its parent corporation a publicly traded company? (If yes, attach a copy of the most recent 10K or equivalent filing.)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
21) Does the regulatory authority governing the applicant in the state or country of domicile have any statutes or regulations that might prohibit or restrict in any way the disclosure of information concerning the applicant to the Louisiana Department of Insurance?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
22) Does the applicant pay any representative given discretion as to the settlement or adjustment of claims, whether in direct negotiations with the claimant or in supervision of the person negotiating, a compensation which is in any way contingent upon the amount of settlement of such claims?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
23) Do any of the officers, directors, partners, trustees or owners of the administrator serve as officers, directors, or trustees of any workers compensation self-insured fund formed pursuant to Title 23 of the Louisiana Revised Statutes for which the administrator acts as a third party administrator?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
24) Does the applicant currently act as a third party administrator for any insurer with which it does not have a written contract?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
25) Is the applicant currently entered into any agreement or understanding with any insurer in which the effect of the agreement is to make the amount of the applicant's commission, fees, or charges contingent upon savings realized in the adjustment, settlement, and payment of losses covered by the insurer's obligations?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

## SECTION 6 - LIST OF MANAGEMENT AND OWNERS

Below give the full legal name (no initials), social security number, resident address, position with the applicant and the percentage of ownership (if applicable) of all natural persons responsible for the conduct of affairs of the applicant. This list should include all officers, all directors, all partners (in the case of a partnership), all trustees, all executive committee members and every natural person owning, directly or indirectly, 10 percent or more of the applicant and any other natural person who exercises control or influence over the affairs of the applicant.

NAME:		S.S.#:	
STREET:	CITY:	STATE:	ZIP:
POSITION:		OWNERSHIP %:	
NAME:		S.S.#:	
STREET:	CITY:	STATE:	ZIP:
POSITION:		OWNERSHIP %:	
NAME:		S.S.#:	
STREET:	CITY:	STATE:	ZIP:
POSITION:		OWNERSHIP %:	
NAME:		S.S.#:	
STREET:	CITY:	STATE:	ZIP:
POSITION:		OWNERSHIP %:	
NAME:		S.S.#:	
STREET:	CITY:	STATE:	ZIP:
POSITION:		OWNERSHIP %:	
NAME:		S.S.#:	
STREET:	CITY:	STATE:	ZIP:
POSITION:		OWNERSHIP %:	
NAME:		S.S.#:	
STREET:	CITY:	STATE:	ZIP:
POSITION:		OWNERSHIP %:	
NAME:		S.S.#:	
STREET:	CITY:	STATE:	ZIP:
POSITION:		OWNERSHIP %:	

## SECTION 7 - EXHIBITS

**EXHIBIT A** – A copy of the articles of incorporation, partnership agreement, trust agreement or other such organizational document of the applicant certified by the proper domiciliary official.

**EXHIBIT B** – A copy of the bylaws of the applicant certified as true and correct by the secretary of the applicant, if a corporation; a partner, if a partnership; or other appropriate person.

**EXHIBIT C** – A copy of the trade name certificate issued to the applicant by the Louisiana Secretary of State. This item must be supplied by any applicant utilizing a trade name or d/b/a in Louisiana.

**EXHIBIT D** – A copy of the domiciliary certificate of authority or license certified by the proper domiciliary official. If the applicant is not licensed in the domiciliary state, provide an explanation of why.

**EXHIBIT E** – A Certificate of Compliance, Letter of Good Standing or other similar document confirming the corporate existence of the applicant in the domiciliary state. This document must be certified by the proper domiciliary state official.

**EXHIBIT F** – A Plan of Operation which addresses the following points:

- the number of officers, managers and supervisors and the responsibilities of each
- a list of departments of the applicant and the main function(s) of each department
- the number of employees per department
- a brief description of the claims paying system which indicates if the system is automated or manual
- a brief description of the funding arrangements used on plans administered
- a brief description of the measures used to avoid unauthorized or fraudulent payment of claims or other misuse of plan funds

**EXHIBIT G** – Completed biographical affidavits for all persons responsible for the conduct of affairs of the applicant. This should include all officers, all directors, all partners (in the case of a partnership), all trustees, all executive committee members and all person(s) owning, directly or indirectly, 10 percent or more of the applicant and any other person who exercises control or influence over the affairs of the applicant. Only the most recent version of the affidavit adopted by the National Association of Insurance Commissioners is acceptable. This form can be obtained from the NAIC web site ([http://naic.org/documents/industry\\_ucaa\\_form11.pdf](http://naic.org/documents/industry_ucaa_form11.pdf)).

**EXHIBIT H** - A detailed description of the corporate organizational/ownership structure of the applicant, its parent company and all affiliates. This description should include a chart showing the ownership percentages for any persons owning 10 percent or more of the applicant and all affiliated entities up to and including the ultimate controlling person. The chart must include the state of domicile and the Federal Employer Identification Number (FEIN) for each person. For a sample chart please go to our web site at <http://www.lidi.state.la.us/Licensing/Company/index.html>. If there is no person who owns, directly or indirectly, 10 percent or more of the applicant then you must provide a statement to that effect in lieu of this exhibit.

## SECTION 7 – EXHIBITS - Continued

**EXHIBIT I – A completed Notice of Contract Form for each insurer for which the applicant is currently acting as a third party administrator in Louisiana. A Notice need not be completed for ERISA exempt plans or for any contract which does not affect Louisiana residents. If the applicant does not currently have any contracts in force, a statement to that effect signed by an officer or partner of the applicant must be supplied. You may find a copy of the proper Notice of Contract Form from the Department web site at <http://www.lidi.state.la.us/Licensing/Company/index.htm>.**

**EXHIBIT J - Evidence of a statutory deposit as indicated below. (Mark the appropriate description.)**

- A one hundred thousand dollar (\$100,000.00) surety bond issued by a surety company licensed to do business in the state of Louisiana. The appropriate bond form is attached. The original bond must be submitted.**
- A safekeeping or trust receipt from a bank doing business within the state or from a savings and loan association chartered to do business in this state verifying that the applicant has deposited one hundred thousand dollars (\$100,000.00) in money or acceptable bonds with that institution and pledged said deposit to the Commissioner of Insurance. The banks have the necessary pledge forms. Do not contact this Office to request one.**
- A bond in compliance with La. R.S. 23:1196 C(1). This requirement is applicable to any applicant which is acting as a third party administrator (service company) of only workers' compensation self insured funds licensed pursuant to La. R.S. 23:1191, et seq.**
- The business of the applicant is restricted solely to benefit plans which are fully insured by an authorized insurer. You must attach a copy of the insurance contract(s)**



**ATTESTATION**

STATE OF \_\_\_\_\_

COUNTY OR PARISH OF \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_  
as an authorized representative of \_\_\_\_\_,  
who, after being duly sworn, did depose and state that all information contained in this application and all attachments thereto  
are, to the best of his/her knowledge, true, complete and correct. Said individual does further certify that the latest financial  
statement of said applicant is available for inspection by the Commissioner of Insurance or his duly authorized representative the  
address given in Section 2 of this application.

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Applicant, Executive Officer or Other  
Comparable Responsible Person

\_\_\_\_\_  
Printed Name of Witness

\_\_\_\_\_  
Printed Name of Signatory

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Title or Position of Signatory

\_\_\_\_\_  
Printed Name of Witness

SWORN TO and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Printed Name of Notary

NOTARIAL SEAL

My Commission Expires \_\_\_\_\_