

No. **4505**

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: JUN 09 2016

Subject Considered:

DENTICARE, INC.
500 West Main Street
Louisville, KY 40202

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 10977

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Denticare, Inc. (Denticare).

WAIVER

Denticare acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. Denticare waives all of these rights and any other applicable procedural rights in consideration of the entry of this consent order.

FINDINGS OF FACT

1. TDI issued Denticare single service health maintenance organization (HMO) license number 5211, effective June 3, 1988.

2012 and 2016 Triennial Examinations

2. On March 28, 2012, TDI conducted a triennial quality of care examination of Denticare for the period beginning January 1, 2009, and ending December 1, 2011.
3. In 2015, TDI conducted another triennial quality of care examination of Denticare for the period beginning December 29, 2011, and ending December 31, 2014.

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4. On October 29, 2015, TDI held a telephonic exit conference with Denticare to discuss the 2012 to 2016 examination findings.
5. In Denticare's 2015 examination, TDI found that Denticare committed three violations of Tex. Admin. Code and 237 recredentialing failures similar to those that TDI previously identified in Denticare's 2012 examination.
6. Denticare failed to correct the deficiencies within 90 days from the receipt of its 2012 examination report, in accordance with its 2012 corrective action plan.
7. Denticare failed to recredential providers and the HMO's Clinical Director within 36 months of the previous credentialing decision.
8. In a desk review letter response, Denticare agreed that it failed to appropriately recredential providers and the HMO's Clinical Director.
9. Denticare submitted a plan of correction to address the deficiencies cited in the final audit report issued by TDI on January 8, 2016.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 31.002; 82.051-82.055, 84.021-84.022, 401.055, and 843.156; 28 TEX. ADMIN. CODE §§ 11.303, 11.1606, and 11.2207; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to informally dispose of this matter as set forth under TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 82.055 and 36.104, and 28 TEX. ADMIN. CODE § 1.47.
3. Denticare violated 28 TEX. ADMIN. CODE § 11.303(d)(6) by failing to correct the deficiencies cited within its plan of correction within 90 days from the receipt of the written examination report.
4. Denticare violated 28 TEX. ADMIN. CODE § 11.1606 by failing to recredential the HMO's Clinical Director within 36 months of the previous credentialing decision.
5. Denticare violated 28 TEX. ADMIN. CODE § 11.2207 by failing to recredential 236 providers within 36 months of the previous credentialing decision.

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The commissioner orders Denticare, Inc. to pay an administrative penalty of \$50,000 within 30 days from the date of this order. The administrative penalty must be paid by company check, cashier's check, or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, P.O. Box 149104, Austin, Texas, 78714-9104.



David C. Mattax
Commissioner of Insurance

Approved as to Form and Content:



Bev Rosendahl, Staff Attorney
Enforcement Section, Compliance Division
Texas Department of Insurance

