



**BEFORE THE COMMISSIONER OF
THE DEPARTMENT OF COMMERCE AND INSURANCE
FOR THE STATE OF TENNESSEE**

IN THE MATTER OF:)
)
TD CONSORTIUM BENEFITS TRUST) **TID No.: 23-046**
)

ORDER ADOPTING EXAMINATION REPORT

Pursuant to Tenn. Code Ann. § 56-26-204, the Insurance Division of the State of Tennessee, Department of Commerce and Insurance (“Division”) has examined certain affairs of TD Consortium Benefits Trust (“Trust”), a qualified multiple employer welfare arrangement, domiciled in the State of Tennessee. As a result of an examination conducted as of December 31, 2021, the examiner-in-charge filed a verified, written report on the examination with the Division on April 5, 2023. A copy of that report was sent to the Trust. (The Report on Examination of the Trust is attached hereto and marked as Exhibit A).

The Division received a response regarding the report from the Trust dated June 8, 2023. (The written response submitted by the Trust is attached hereto and marked as Exhibit B).

Pursuant to Tenn. Code Ann. § 56-26-204, the examination report regarding the affairs of the Trust is hereby **ADOPTED** as filed with the following **DIRECTIVES**:

1. The Trust could not provide its 2017 and 2018 Board meeting minutes as required by Tenn. Comp. R. & Regs. 0780-1-76-.09 and the NAIC Annual Statement Instructions. The Trust is **DIRECTED** to comply with Tenn. Comp. R. & Regs. 0780-1-76-.09 and the NAIC Annual Statement Instructions.
2. The Trust did not correctly report its Unpaid Claim Adjustment Expenses. This is not in compliance with the NAIC Annual Statement Instructions. The Trust is **DIRECTED** to comply with the NAIC Annual Statement Instructions.

3. The Trust's applications and claims forms did not contain the fraud statement required by Tenn. Code Ann. § 56-53-111. The Trust is **DIRECTED** to comply with Tenn. Code Ann. § 56-53-111.
4. The Trust was not able to provide all of its in-force policy documentation, which is not in compliance with Tenn. Code Ann. § 56-8-104(10). The Trust is **DIRECTED** to maintain its records in accordance with Tenn. Code Ann. § 56-8-104(10).
5. The Trust's agents were not properly appointed in accordance with Tenn. Code Ann. § 56-6-115. The Trust is **DIRECTED** to comply with Tenn. Code Ann. § 56-6-115.
6. The Trust lacks claims documentation, which is required by Tenn. Code Ann. §§ 56-8-104(10) and 56-8-105(2), (3), and (4). The Trust is **DIRECTED** to comply with Tenn. Code Ann. §§ 56-8-104(10) and 56-8-105(2), (3), and (4).

The Trust shall comply with the Directives contained in this Order within thirty (30) days of its entry and execution.

The adoption of this examination report shall not preclude the Department from imposing sanctions against the Trust for potential violations of Tennessee insurance law which may be revealed in the examination report, it being the intent of this Order merely to adopt the examination report filed by the examiner-in-charge.

It is so **ORDERED**.

ENTERED AND EXECUTED June 20, 2023.


Carter Lawrence (Jun 20, 2023 11:43 CDT)

Carter Lawrence, Commissioner
Department of Commerce and Insurance
State of Tennessee

PREPARED FOR ENTRY:

Jenny Taylor

Jenny Taylor (Jun 13, 2023 15:02 CDT)

Jenny Taylor (BPR# 027264)
Associate General Counsel
Department of Commerce and Insurance
Davy Crockett Tower
500 James Robertson Parkway
Nashville, Tennessee 37243
(615) 426-1084
Jenny.Taylor@tn.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Order Adopting Examination Report as filed has been emailed to Bill Huddleston, Assistant Commissioner for Insurance, Department of Commerce and Insurance at bill.huddleston@tn.gov; and mailed first class, postage prepaid, to TD Consortium Benefits Trust, 6505 Lee Highway, Chattanooga, Tennessee 37421, on June 20, 2023.

Jenny Taylor

Jenny Taylor (Jun 13, 2023 15:02 CDT)

Jenny Taylor
Associate General Counsel