

13-42-105 Application for registration -- Form, fee, and accompanying documents.

- (1) An application for registration as a provider shall be in a form prescribed by the administrator.
- (2) Subject to adjustment of dollar amounts pursuant to Subsection 13-42-132(6), an application for registration as a provider shall be accompanied by:
 - (a) the fee established by the administrator in accordance with Section 63J-1-504;
 - (b) the bond required by Section 13-42-113;
 - (c) identification of all trust accounts subject to Section 13-42-122 and an irrevocable consent authorizing the administrator to review and examine the trust accounts;
 - (d) evidence of insurance in the amount of \$250,000:
 - (i) against the risks of dishonesty, fraud, theft, and other misconduct on the part of the applicant or a director, employee, or agent of the applicant;
 - (ii) issued by an insurance company authorized to do business in this state and rated at least A or equivalent by a nationally recognized rating organization approved by the administrator;
 - (iii) with a deductible not exceeding \$5,000;
 - (iv) payable to the applicant and this state for the benefit of the residents of this state, as their interests may appear; and
 - (v) not subject to cancellation by the applicant or the insurer until 60 days after written notice has been given to the administrator;
 - (e) a record consenting to the jurisdiction of this state containing:
 - (i) the name, business address, and other contact information of its registered agent in this state for purposes of service of process; or
 - (ii) the appointment of the administrator as agent of the provider for purposes of service of process; and
 - (f) if the applicant is organized as a not-for-profit entity or has obtained tax exempt status under the Internal Revenue Code, 26 U.S.C. Sec. 501, evidence of not-for-profit or tax-exempt status, or both.
- (3)
 - (a) The administrator may waive or reduce the insurance requirement in Subsection (2)(d) if the provider does not:
 - (i) maintain control of a trust account or receive money paid by an individual pursuant to a plan for distribution to creditors;
 - (ii) make payments to creditors on behalf of individuals;
 - (iii) collect fees by means of automatic payment from individuals; and
 - (iv) execute any powers of attorney that may be utilized by the provider to collect fees from or expend funds on behalf of an individual.
 - (b) A waiver or reduction in insurance requirements allowed by the administrator under Subsection (3)(a) shall balance the reduction in risk posed by a provider meeting the stated requirements against any continued need for insurance against employee and director dishonesty.

Amended by Chapter 152, 2012 General Session