

31A-8-213 Certificate of authority.

- (1) An organization may apply for a certificate of authority at any time prior to the expiration of its organization permit. The application shall include:
 - (a) a detailed statement by a principal officer about any material changes that have taken place or are likely to take place in the facts on which the issuance of the organization permit was based; and
 - (b) if any material changes are proposed in the business plan, the information about the changes that would be required if an organization permit were then being applied for.
- (2) The commissioner shall issue a certificate of authority, if the commissioner finds that:
 - (a) the organization's capital and surplus complies with the requirements of Section 31A-8-209 as to the operations proposed under the new certificate of authority;
 - (b) there is no basis for revoking the organization permit under Section 31A-8-207;
 - (c) the deposit required by Section 31A-8-211 has been made;
 - (d) the organization satisfies the requirements of Section 31A-8-104; and
 - (e) all other applicable requirements of the law have been met.
- (3) The certificate of authority shall specify any limits imposed by the commissioner upon the organization's business or methods of operation, including the general types of health care services the organization is authorized to provide.
- (4) Upon the issuance of the certificate of authority:
 - (a) the board shall authorize and direct the issuance of certificates for shares, bonds, or notes subscribed to under the organization permit, and of insurance policies upon qualifying applications obtained under the organization permit; and
 - (b) the commissioner shall authorize the release to the organization of all funds held in escrow under Section 31A-5-208, as adopted by Section 31A-8-206.
- (5)
 - (a) An organization may at any time apply to the commissioner for a new or amended certificate of authority altering the limits on its business or methods of operation. The application shall contain or be accompanied by that information reasonably required by the commissioner under Subsections 31A-5-204(2) and 31A-8-205(2). The commissioner shall issue the new certificate as requested if the commissioner finds that the organization continues to satisfy the requirements specified under Subsection (2).
 - (b) If the commissioner issues an order under Chapter 27, Part 5, Administrative Actions, against an organization, the commissioner may also revoke the organization's certificate and issue a new one with any limitation the commissioner considers necessary.

Amended by Chapter 309, 2007 General Session