

FILED

MAY - 8 2023

Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

BANKERS LIFE INSURANCE COMPANY

Certificate of Authority No. 2857
NAIC No. 81043

Docket No. 18-3675-23

**ORDER CONTINUING SUSPENSION
OF CERTIFICATE OF AUTHORITY**

BANKERS LIFE INSURANCE COMPANY (the “Company”) is a North Carolina-domiciled insurer licensed to transact life and disability insurance, excluding managed care, in Idaho under Certificate of Authority No. 2857. By orders entered July 23, 2019, June 9, 2020, April 29, 2021, and March 7, 2022, the Director of the Idaho Department of Insurance (“Director”) suspended the Company’s Idaho Certificate of Authority. With this Order, the Director continues the suspension as discussed below.

On June 27, 2019, the Superior Court of Wake County, North Carolina, in Case No. 19CV-008664, entered an Order of Rehabilitation, Order Appointing Receiver, and Order Granting Injunctive Relief that placed the Company in rehabilitation. The court entered its rehabilitation order based on the petition of the North Carolina Commissioner of Insurance and the consent of the Company’s board of directors. The Company remains under the rehabilitation order.

To qualify for and maintain authority to transact insurance in Idaho, the Company must possess at least One Million Dollars (\$1,000,000) in unimpaired basic surplus and additional

surplus. *See* Idaho Code § 41-313(1).

As of September 30, 2022, the Company possessed a total basic surplus of \$3,000,000 and additional surplus of -\$110,064,894, as reflected in the Rehabilitator's Quarterly Report.

Idaho Code § 41-326 (1)(b) says the Director shall refuse to continue or shall suspend or revoke a foreign insurer's Idaho certificate of authority if the insurer "no longer meets the requirements for the authority, on account of deficiency of assets or otherwise." And in cases of insolvency or impairment of required capital or surplus, the Director may take such action without first holding a hearing. Idaho Code § 41-326(2).

Further, Idaho Code § 41-327(3), says the Director may, "without advance notice or hearing, immediately suspend the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings have been commenced in any state by the public insurance supervisory official of such state."

The Director, having reviewed the foregoing, finds that the Company does not meet the requirements for maintaining additional surplus set forth at Idaho Code § 41-313(1), and thus does not meet the requirements for holding a certificate of authority in Idaho under Idaho Code § 41-326(1)(b).

Further, the Director finds the Company remains in delinquency proceedings within the meaning of Idaho Code § 41-327(3).

Based on these findings, and good cause appearing;

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Idaho Code 41-327(3), that the Company's Idaho Certificate of Authority is CONTINUED IN SUSPENSION, effective immediately, for a period of one (1) year from the date of this order. The Director may terminate the suspension sooner if the cause for said suspension is corrected and the Company is otherwise in compliance with title 41, Idaho Code.

IT IS FURTHER ORDERED that the Company must comply with Idaho Code § 41-329, including § 41-329(2), which states: "During the suspension period the insurer shall not solicit or write any new business in this state, but shall file its annual statement, pay fees, licenses, and taxes as required under this code, and may service its business already in force in this state, as if the certificate of authority had continued in force."

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-330(1), that within four (4) days after notice of this suspension is provided, the Company shall notify, by any available means, every person authorized to write business in Idaho by the Company, to immediately cease to write any further insurance business for the Company in Idaho, unless the Company has already taken such action per prior order of the Director.

IT IS FURTHER ORDERED that, within 60 days of the date of this order, BANKERS LIFE shall file with the Director a complete listing of its policies owned by or issued to Idaho. The list must include the name and address of each policyholder and insured, policy type, face amount, and cash surrender value of the policy, as applicable.

DATED this 8th day of May, 2023.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the motion for reconsideration within twenty-one (21) days of its receipt, or the motion will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Any such motion for reconsideration shall be served on the Director of the Idaho Department of Insurance, addressed as follows:

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may file a petition for judicial review in the district court of the county in which:

- i. A hearing was held;
- ii. The final agency action was taken;
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or
- iv. The real property or personal property that was the subject of the agency action is located.

A petition for judicial review must be filed within twenty-eight (28) days of: (a) the service date of this final order, (b) the service of an order denying motion for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a motion for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal. Idaho Code § 67-5274.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 2023, I caused a true and correct copy of the foregoing ORDER CONTINUING SUSPENSION OF CERTIFICATE OF AUTHORITY to be served upon the following parties by the designated means:

Bankers Life Insurance Company
PO Box 11948
Winston-Salem, NC 27116
and

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

2222 Sedwick Road
Durham, NC 27713

North Carolina Department of Insurance
Mike Causey, Commissioner
1201 Mail Service Center
Raleigh, NC 27699-1201

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

Idaho Life and Health Guaranty Association
Attn: Candie Kinch
6700 N. Linder Road, Suite 156, Box 144
Meridian, ID 83646

- ☐ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☒ email: ckinch@idlifega.org

John Keenan
Lead Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

- ☐ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☒ email: john.keenan@doi.idaho.gov


Penny Wilcox