

## Biographical Affidavit and Fingerprinting Requirements For Health Maintenance Organizations (HMOs)

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The Texas Department of Insurance is given authority to inquire into the competence and fitness of the officers and directors of insurers. References:

- Texas Insurance Code, Chapter 801, Subchapter C (Competence, Fitness, or Reputation).
- Texas Administrative Code, Title 28, Part 1, Chapter 1, Subchapter D—Effect of Criminal Conduct.
- Texas Government Code 411.106—Access to Criminal History Record Information: Texas Department of Insurance.

Biographical affidavits are required with new applications and when a change occurs to a company's officers or directors at any time throughout the year. Fingerprint information may need to be submitted, depending on the circumstances (see Section III. Fingerprinting Requirements).

The forms referenced in each section may be found on our website at <http://www.tdi.texas.gov/forms/form3.html>.

**These instructions are for Health Maintenance Organizations (HMOs) ONLY.**

### Section I: BIOGRAPHICAL REQUIREMENTS

Submit an [NAIC Biographical Affidavit UCAA, Form 11](#) for each officer. Make sure the affidavit is correctly completed (see Section II, Important Tips).

Pursuant to Texas Administrative Code, Title 28, Part 1, Chapter 1, Subchapter D, each individual listed in §1.503 (3) and (4) of this subchapter (relating to Application of Fingerprint Requirement), at or near the same time that they submit their biographical information, must also submit fingerprint cards, unless the cards were previously submitted. Please see Section III: Fingerprint Requirements.

Biographical affidavits are required for ALL Officers: Chief Executive Officer, President, Executive Director, Secretary, Treasurer, Chief Financial Officer/Controller, Chief Operating Officer and Medical Director. Additionally, biographical affidavits are required for ALL Directors/Partners.

We **DO NOT** require biographical affidavits for Vice Presidents or Assistant-officers.

Biographical changes for HMOs are considered subsequent filings for information pursuant to 28 Texas Administrative Code §11.301 (5)(A) and must be filed within 30 days of change.

**Please submit:**

- [Officers and Directors Page \(FIN306\)](#);
- NAIC Biographical Affidavit UCAA Form 11 for each officer;
- **\$50.00** filing fee per filing, made payable to the Texas Department of Insurance; and
- If the new officer has not previously submitted fingerprint information to the Texas Department of Insurance, we will need additional information. Please see Section III: Fingerprint Requirements.

## Section II. IMPORTANT TIPS FOR BIOGRAPHICAL AFFIDAVITS

To avoid deficiencies requiring correction, note the following:

- Company name correctly listed. If the officer/director is elected to the same position for more than one company, make sure all company names are listed. Group names are not acceptable.
- All questions answered. If questions do not apply, please indicate "N/A." If questions are left blank, we must assume they were overlooked, and they will require correction.
- Position correctly listed. We cannot enter a position in our database if it is not listed on the affidavit.
- Applicant **MUST** sign. In addition, the affidavit must be notarized. We will accept copies as long as they are legible and dated within 3 years (and all other information is still current).
- Holding Company System. If the individual is an officer/director for multiple insurers within a holding company system, please send one biographical affidavit and attach a document listing each affiliated insurer and the appropriate position held.

If a current officer has been elected to a new position, a [Biographical Affidavit Update Form \(FIN324\)](#) reflecting the new position is required.

## Section III. FINGERPRINTING REQUIREMENTS

Commissioner's Bulletin #B-0043-07 dated October 22, 2007, and Commissioner's Bulletin #B-0045-06, issued on December 15, 2006, established fingerprint requirements for officers and directors, effective January 1, 2007.

If an officer has not previously submitted fingerprint cards (for example, in connection with an admission/incorporation or a Form A, or for an insurance agent application), we may need a set submitted. If you are unsure if the officer has previously fulfilled this requirement, please note so when you submit the biographical affidavit. We can check our records, and notify you when we determine if fingerprints are necessary. Be aware that this will also delay updating our database since we cannot add officers until a background check has been done.

Electronic fingerprinting is available in many locations throughout the U.S. It is fast and accurate; and in most cases, it will help avoid potential delays in the processing of your submission.

**DO NOT SEND PAPER FINGERPRINT CARDS TO THE TEXAS DEPARTMENT OF INSURANCE - CARDS ARE PROCESSED BY IDENTOGO. If we receive fingerprint cards, we will shred them or return them to you at your expense.**

When fingerprinting is required, follow these instructions:

## **Fingerprint requirements and instructions**

Include the processing confirmation receipt for fingerprinting with your completed application or filing at the time it is sent to TDI. The receipt allows TDI to locate criminal history information. (NOTE: Should your fingerprints be unacceptable, you will receive a rejection notice from Identogo.)

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Email completed documents to [CLRFilings@tdi.texas.gov](mailto:CLRFilings@tdi.texas.gov)

\*When sending the \$50 filing fee, be sure to include the [Company Licensing Fee Transmittal Form \(FIN321\)](#). This will ensure that our Mail Center sees your check. Using the designated Mail Code of 9999 also alerts our Mail Center that a check is enclosed.

### **► Questions?**

Email us at [CompanyLicense@tdi.texas.gov](mailto:CompanyLicense@tdi.texas.gov) or call 512-676-6365.