

No. 2025-9236

**Official Order
of the
Texas Commissioner of Insurance**

Date: 04/02/2025

Subject Considered:

Benefit Plans Administrative Services, LLC
820 Gessner Suite 1250
Houston, TX 77024

TDI Enforcement File No. 35801

Order on Request to Set Aside Default Order and Set a Rehearing

General Remarks and Official Action Taken:

The subject of this order is the request from Benefit Plans Administrative Services, LLC (BPAS) to set aside Commissioner's Order No. 2025-9133 and set a rehearing. This order denies BPAS's request.

Background

On February 12, 2025, Commissioner's Order No. 2025-9133 was issued. It revokes the third-party administrator certificate of authority held by BPAS and requires that BPAS cease and desist engaging in the business of a third-party administrator in Texas.

Order No. 2025-9133 was issued following BPAS's failure to respond to the notice of allegations sent by Texas Department of Insurance (TDI) Enforcement staff to BPAS under Tex. Admin. Code § 1.47.

BPAS sent a request to TDI Enforcement staff by email on March 10, 2025, asking that Order No. 2025-9133 be set aside and that a rehearing be set. TDI Enforcement staff forwarded BPAS's request to the TDI Chief Clerk's Office when it was received, and submitted a reply to Benefit Plans Administrative Services, LLC's request March 20, 2025, opposing it.

Discussion

Under 28 Tex. Admin. Code § 1.47(d)(2), a motion to set aside a default order and reopen the record will be granted if the requesting party establishes that the failure to file a written response to a notice of allegations was neither intentional nor the result of conscious indifference, and that such failure was due to a mistake or accident.

Under Government Code § 2001.146, a motion for rehearing must be filed no later than the 25th day after the date the order is signed unless an extension is granted. The motion must identify with particularity findings of fact or conclusions of law that are the subject of the complaint and any evidentiary or legal ruling claimed to be erroneous. The motion must also state the legal and factual basis for the claimed error.

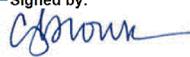
BPAS said that during the period of time when the notice of allegations would have been received, the building at its address was under renovation and only a skeleton crew was on site. Someone would have been assigned to check the mail and bring it to the proper floor, but the notice of allegations never made it to the 12th floor and no one at BPAS received the notice.

TDI Enforcement staff responded that the notice of allegations was mailed to the last known address of record on file with TDI for BPAS. TDI Enforcement staff also provided tracking information from the US Postal Service showing that the notice was left with an individual at BPAS's address on December 19, 2024.

After considering the request submitted by BPAS and the reply from TDI Enforcement, it has been determined that BPAS's request should be denied. The US Postal Service tracking information shows that the notice of allegations was delivered, and BPAS did not provide a valid basis to justify its failure to respond to the notice.

Order

It is ordered that Benefit Plans Administrative Services, LLC's request is denied, and Commissioner's Order No. 2025-9133 is final.

Signed by:

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Cassie Brown
Commissioner of Insurance

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Benefit Plans Administrative Services, LLC
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Recommended and reviewed by:

Signed by:
Jessica Barta
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Jessica Barta, General Counsel

Signed by:
Justin Beam
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Justin Beam, Chief Clerk