

## ADMINISTRATOR APPLICANT CERTIFICATION AND ATTESTATION

By signature below, the undersigned designated owner, officer, director, principal or partner [hereafter Applicant] on behalf of the business entity hereby certifies, under penalty of perjury, that:

1. The Applicant acknowledges and understands that the third party administrator license in the Commonwealth of Kentucky is conditioned upon continuing compliance with the requirements of KRS 304.9-371 through KRS 304.9-377;
2. The Applicant has read and understands the statutory requirements of KRS 304.9-371 through KRS 304.9-377;
3. The Applicant has read and understands that the following is expected of any third party administrator contract executed in the State of Kentucky:
  - A. Written Agreement Between Administrator and Insurer
    1. No administrator shall act as such without a written agreement between the administrator and the insurer. Such written agreement shall be retained as part of the official records of both parties to the transaction for the duration of the agreement and at least five (5) years thereafter. **Such written agreement shall contain provisions which include the requirements of KRS 304.9-372 to 304.9-377**, except insofar as those requirements do not apply to the functions performed by the administrator;
    2. If the agreement authorizes or requires the administrator to collect or handle premium, the agreement shall not contain provisions that conflict with the requirements of KRS 304.9-375;
    3. If the agreement authorizes or requires the administrator to pay claims, the agreement shall not contain provisions that conflict with the requirements of KRS 304.9-376(1);
  - B. Premium Handling Fiduciary Bank Account
    1. If the agreement authorizes the administrator to collect or handle premium OR the administrator does collect or handle premium, the applicant must establish and maintain a fiduciary bank account under KRS 304.9-375; and
    2. Ensure that if premiums for more than one insurer will be deposited in the same fiduciary bank account, the bank will keep records clearly recording the deposits and withdrawals from the account on behalf of each insurer;
  - C. Claims Paying Bank Account
    1. If the agreement prohibits OR does not authorize the payment of claims by the administrator AND the administrator does not pay claims, no claims paying account under KRS 304.9-376(1) is required;
    2. If the agreement authorizes the administrator to pay claims OR if the administrator does pay claims, all claims paid by the administrator from funds collected on behalf of the insurer shall be paid only on drafts of and as authorized by such insurer per KRS 304.9-376(1).

_____ Signature	_____ Date
_____ Typed or Printed Name	_____ Title
_____ Street Address	
_____ City, State, ZIP	_____ Telephone Number