

(d) The gross contract and certificate income for 1 year of a dental plan organization that is referred to in subsection (b) of this section may not include income earned from a dental plan if:

- (1) participation is wholly voluntary on the part of the enrollee;
- (2) the cost for the dental plan is borne by the enrollee; and
- (3) the payment for the dental plan is by payroll deduction on the basis of every week, 2 weeks, or month.]

(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A DENTAL PLAN ORGANIZATION SHALL DEPOSIT WITH THE COMMISSIONER OR WITH ANY ORGANIZATION OR TRUSTEE ACCEPTABLE TO THE COMMISSIONER THROUGH WHICH A CUSTODIAL OR CONTROLLED ACCOUNT IS ~~UTILIZED~~ USED, CASH, SECURITIES, OR ANY COMBINATION OF THESE OR OTHER MEASURES THAT IS ACCEPTABLE TO THE COMMISSIONER IN AN AMOUNT EQUAL TO \$25,000 PLUS 25% OF THE SURPLUS REQUIRED IN SUBSECTION (A) OF THIS SECTION, PROVIDED THAT THE DEPOSIT SHALL NOT BE REQUIRED TO EXCEED \$100,000.

(2) THE DEPOSIT SHALL BE:

(I) AN ADMITTED ASSET OF THE DENTAL PLAN ORGANIZATION IN THE DETERMINATION OF SURPLUS;

(II) USED TO PROTECT THE INTERESTS OF THE DENTAL PLAN ORGANIZATION'S ENROLLEES;

(III) USED TO ASSURE CONTINUATION OF LIMITED HEALTH CARE SERVICES TO ENROLLEES OF A DENTAL PLAN ORGANIZATION THAT IS IN REHABILITATION OR CONSERVATION; AND

(IV) IF A DENTAL PLAN ORGANIZATION IS PLACED IN RECEIVERSHIP OR LIQUIDATION, AN ASSET SUBJECT TO PROVISIONS OF THE UNIFORM INSURERS LIQUIDATION ACT.

(3) ALL INCOME FROM DEPOSITS SHALL BE AN ASSET OF THE DENTAL PLAN ORGANIZATION.

(4) A DENTAL PLAN ORGANIZATION MAY WITHDRAW A DEPOSIT OR ANY PART THEREOF AFTER MAKING A SUBSTITUTE DEPOSIT OF EQUAL AMOUNT AND VALUE.

(5) A SUBSTITUTE DEPOSIT OF ANY SECURITIES ~~SHALL BE APPROVED BY THE COMMISSIONER~~ IS SUBJECT TO THE APPROVAL OF THE COMMISSIONER.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE COMMISSIONER MAY REDUCE OR ELIMINATE THE DEPOSIT REQUIREMENT IF THE DENTAL PLAN ORGANIZATION HAS MADE AN ACCEPTABLE DEPOSIT WITH THE STATE OR JURISDICTION OF DOMICILE FOR THE PROTECTION OF ALL ENROLLEES, WHEREVER LOCATED, AND DELIVERS TO THE COMMISSIONER A CERTIFICATE TO SUCH EFFECT, DULY AUTHENTICATED BY THE APPROPRIATE STATE OFFICIAL HOLDING THE DEPOSIT.