



DEPARTMENT OF COMMERCE & INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

In Re:)
)
EVICORE HEALTHCARE MSI, LLC) **Market Conduct Investigation No. 379357**
(License #8003848))

ORDER OF THE DIRECTOR

NOW, on this 05th day of November, 2021, Director, Chlora Lindley-Myers, after consideration and review of the Stipulation of Settlement and Voluntary Forfeiture (hereinafter “Stipulation”) entered into by the Division of Insurance Market Regulation (hereinafter “Division”), and eviCore Healthcare MSI, LLC (License #8003848) (hereinafter “eviCore”), relating to the market conduct investigation no. 379357, does hereby issue the following orders:

This order, issued pursuant to §374.046.15¹ and §374.280 is in the public interest.

IT IS THEREFORE ORDERED that eviCore and the Division having agreed to the Stipulation, the Director does hereby approve and agree to the Stipulation.

IT IS FURTHER ORDERED that eviCore shall not engage in any of the violations of law and regulations set forth in the Stipulation, shall implement procedures to place it in full compliance with the requirements in the Stipulation and the statutes and regulations of the State of Missouri, and to maintain those corrective actions at all times, and shall fully comply with all terms of the Stipulation.

¹ All references, unless otherwise noted, are to Revised Statutes of Missouri 2016, as amended, or to the Code of State Regulations, 2020, as amended.

IT IS FURTHER ORDERED that eviCore shall pay, and the Department of Commerce and Insurance, State of Missouri, shall accept, the Voluntary Forfeiture of \$500.00, payable to the Missouri State School Fund.

IT IS SO ORDERED.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office in Jefferson City, Missouri, this 05th day of November, 2021.



Chlora Lindley Myers
Chlora Lindley-Myers
Director

**IN THE DEPARTMENT OF COMMERCE AND INSURANCE
STATE OF MISSOURI**

In Re:)
)
 EVICORE HEALTHCARE MSI, LLC) **Market Conduct Investigation No. 379357**
 (License #8003848))

STIPULATION OF SETTLEMENT AND VOLUNTARY FORFEITURE

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter, the “Division”), and eviCore Healthcare MSI, LLC (License #8003848) (hereinafter “eviCore”), as follows:

WHEREAS, the Division is a unit of the Missouri Department of Commerce and Insurance (hereinafter, the “Department”), an agency of the State of Missouri, created and established for administering and enforcing all laws in relation to insurance companies doing business in the State of Missouri;

WHEREAS, eviCore is licensed as a utilization review agent in the State of Missouri;

WHEREAS, the Division conducted a market conduct investigation of eviCore, investigation no. 379357; and

WHEREAS, based on the market conduct investigation of eviCore the Division alleges that:

1. eviCore omitted from its Missouri Utilization Review Agent (“URA”) renewal application filed with the Department, two current health plan clients for which it performs utilization review activities in violation of §374.507¹ and 20 CSR 700-4.100(2)(C).

2. eviCore provided incorrect and inaccurate information to the Department in violation of §374.210.1(2).

¹ All references, unless otherwise noted, are to Revised Statutes of Missouri 2016, as amended.

WHEREAS, the Division and eviCore have agreed to resolve the issues raised in the market conduct investigation as follows:

A. **Scope of Agreement.** This Stipulation of Settlement and Voluntary Forfeiture (hereinafter, “Stipulation”) embodies the entire agreement and understanding of the signatories with respect to the subject matter contained herein. The signatories hereby declare and represent that no promise, inducement or agreement not herein expressed has been made, and acknowledge that the terms and conditions of this agreement are contractual and not a mere recital.

B. **Remedial Action.** eviCore agrees to take remedial action bringing it into compliance with the statutes and regulations of Missouri and agrees to maintain those remedial actions at all times. Such remedial actions shall include, but are not limited to, the following:

1. eviCore agrees to file with the Department a corrected list of eviCore’s current health plan clients. eviCore further agrees that it will adopt and implement procedures to ensure that future reports submitted and filed with the Department include an accurate and complete list of eviCore’s current health plan clients².

2. eviCore agrees that it will provide complete and accurate information to the Department in response to future inquiries, investigations, or examinations.

C. **Compliance.** eviCore agrees to file documentation with the Division, in a format acceptable to the Division, within 20 days of the entry of a final order of any remedial action taken to implement compliance with the terms of this Stipulation.

D. **Voluntary Forfeiture.** eviCore agrees, voluntarily and knowingly, to surrender and forfeit the sum of \$500.00; such sum payable to the Missouri State School Fund, in accordance with §374.049.11 and §374.280.2.

²Health plan client shall include carriers for whom the company performs utilization review activities.

E. **Other Penalties.** The Division agrees that it will not seek penalties against eviCore, other than those agreed to in this Stipulation, in connection with the above referenced market conduct investigation.

F. **Non-Admission.** Nothing in this Stipulation shall be construed as an admission by eviCore, this Stipulation being part of a compromise settlement to resolve disputed factual and legal allegations arising out of the above referenced market conduct investigation.

G. **Waivers.** eviCore, after being advised by legal counsel, does hereby voluntarily and knowingly waive any and all rights for procedural requirements, including notice and an opportunity for a hearing, and review or appeal by any trial or appellate court, which may have otherwise applied to the market conduct investigation no. 379357.

H. **Changes.** No changes to this Stipulation shall be effective unless made in writing and agreed to by representatives of the Division and eviCore.

I. **Governing Law.** This Stipulation shall be governed and construed in accordance with the laws of the State of Missouri.

J. **Authority.** The signatories below represent, acknowledge and warrant that they are authorized to sign this Stipulation, on behalf of the Division and eviCore respectively.

K. **Counterparts.** This Stipulation may be executed in multiple counterparts, each of which shall be deemed an original and all of which taken together shall constitute a single document. Execution by facsimile or by electronically transmitted signature shall be fully and legally effective and binding.

L. **Effect of Stipulation.** This Stipulation shall not become effective until entry of a Final Order by the Director of the Department (hereinafter the “Director”) approving this Stipulation.

M. **Request for an Order.** The signatories below request that the Director issue an Order approving this Stipulation and ordering the relief agreed to in the Stipulation, and consent to the issuance of such Order.

DATED: 10-26-2021



Stewart Freilich
Chief Market Conduct Examiner and Senior Counsel
Division of Insurance Market Regulation

DATED: 10/21/2021



Laurie B. Johnson
Chief Compliance Officer
eviCore Healthcare MSI, LLC