

DEPARTMENT OF COMMERCE & INSURANCE

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

In Re:)
)
NATIONAL IMAGING ASSOCIATES) Market Conduct Investigation No. 393918
(License #8009768))

ORDER OF THE DIRECTOR

NOW, on this 07th day of July, 2022, 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 National Imaging Associates (License #8009768) (hereinafter "NIA"), relating to the market conduct investigation no. 393918, 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 NIA and the Division having agreed to the Stipulation, the Director does hereby approve and agree to the Stipulation.

IT IS FURTHER ORDERED that NIA shall not engage in any of the violations of statutes 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.

IT IS FURTHER ORDERED that NIA shall pay, and the Department of Commerce and Insurance, State of Missouri, shall accept, the Voluntary Forfeiture of \$6,000.00, payable to the

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

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 07th day of July, 2022.



Chlora Lindley Myers

Chlora Lindley-Myers
Director

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

In Re:)
)
NATIONAL IMAGING ASSOCIATES) **Market Conduct Investigation No. 393918**
(License #8009768))

STIPULATION OF SETTLEMENT AND VOLUNTARY FORFEITURE

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter “Division”), and National Imaging Associates (License #8009768) (hereinafter “NIA”), as follows:

WHEREAS, the Division is a unit of the Missouri Department of Commerce and Insurance (hereinafter “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, NIA is licensed as a utilization review agent (hereinafter “URA”) in the State of Missouri;

WHEREAS, the Division conducted a market conduct investigation of NIA, investigation no. 393918;

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

1. NIA failed to provide a complete and accurate list of current health plan clients on its 2020 and 2021 Applications for Missouri Utilization Review Agents (“2020 Renewal Application URA”) for which it provides utilization review services in violation of §374.507¹ and 20 CSR 700-4.100(2)(C).
2. NIA knowingly redacted information from a contract with a health plan client prior to submitting that contract to the Division in violation of §374.210.1(1), RSMo Supp. 2021.

3. NIA provided an inaccurate 2020 Renewal Application URA to the Department, which failed to disclose that it paid a fine in connection with its URA license in violation of §§374.505.2(1) and 374.210.1(2), RSMo Supp. 2021.

WHEREAS, NIA has indicated that the contract redaction was done to highlight the plans in Missouri with no intent to deceive the Department and represents an error in the contract with the health plan customer that will be remedied; and

WHEREAS, the Division and NIA have agreed to resolve the issues raised in the above-referenced 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.** NIA 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, to reasonably ensure that the errors noted in the market conduct investigation and in this Stipulation do not recur. Such remedial actions shall consist of the following:

1. NIA agrees to file with the Department’s licensing section a corrected list of NIA’s current health plan clients. NIA 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 NIA’s current health plan clients.²

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

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

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

3. NIA agrees to submit complete and accurate utilization review agent renewal applications in the future, including accurately answering all questions required on the “Certificate of Registration Application for Utilization Review Agents” form (MO 375-0049).

C. **Compliance.** NIA agrees to file documentation with the Division pursuant to §374.190, in a format acceptable to the Division, within 60 days of the entry of an Order of any remedial action taken to implement compliance with the terms of this Stipulation.

D. **Voluntary Forfeiture.** NIA agrees, voluntarily and knowingly, to surrender and forfeit the sum of \$6,000, such sum payable to the Missouri State School Fund, in accordance with §§374.049.11 and 374.280.2.

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

F. **Waivers.** NIA, after being advised by legal counsel, does hereby voluntarily and knowingly waive any and all rights to 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. 393918.

G. **Amendments.** No amendments to this Stipulation shall be effective unless made in writing and agreed to by authorized representatives of the Division and NIA.

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

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

J. **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.

K. **Effective Date.** This Stipulation shall not become effective until entry of an Order by the Director of the Department (hereinafter the “Director”) approving this Stipulation.

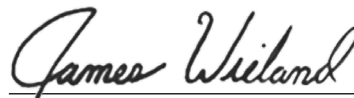
L. **Request for an Order.** The signatories below request that the Director issue an Order approving this Stipulation and order the relief agreed to in the Stipulation, and consent to the issuance of such Order.

DATED: July 5, 2022



Teresa Kroll
Chief Market Conduct Examiner
Division of Insurance Market Regulation

DATED: 7/5/2022



James Wieland
President
National Imaging Associates