



DEPARTMENT OF COMMERCE & INSURANCE

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

In Re:)
)
UNITEHEALTHCARE INSURANCE) Market Conduct Investigation No. 374637
COMPANY (NAIC #79413))

ORDER OF THE DIRECTOR

NOW, on this 24th day of February, 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 UnitedHealthcare Insurance Company (NAIC #79413) (hereinafter “UHIC”), relating to the market conduct investigation no. 374637, 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 UHIC and the Division having agreed to the Stipulation, the Director does hereby approve and agree to the Stipulation.

IT IS FURTHER ORDERED that UHIC 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 UHIC shall pay, and the Department of Commerce and Insurance, State of Missouri, shall accept, the Voluntary Forfeiture of \$7,000.00, payable to

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

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 24th day of February, 2022.



Chlora Lindley Myers

Chlora Lindley-Myers, Director
Missouri Department of Commerce and Insurance

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

In Re:)
)
UNITEDHEALTHCARE INSURANCE) Market Conduct Investigation No. 374637
COMPANY (NAIC #79413))

STIPULATION OF SETTLEMENT AND VOLUNTARY FORFEITURE

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter, the “Division”), and UnitedHealthcare Insurance Company (NAIC #79413) (hereinafter “UHIC”), 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, the Department issued UHIC a certificate of authority to transact the business of insurance in the State of Missouri;

WHEREAS, the Division conducted a market conduct investigation of UHIC, investigation no. 374637; and

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

1. In 176 instances, UHIC improperly denied claims for speech services that were covered under the terms of the group health insurance contracts in violation of §376.781¹, §375.1007(4), and §375.1005.

2. UHIC misrepresented to claimants and insureds the policy provisions of the group health insurance contract relating to coverage for speech therapy services in violation of §375.1007(1) and §375.1005.

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

3. UHIC refused to pay speech therapy claims without conducting a reasonable investigation in violation of §375.1007(6) and §375.1005.

4. UHIC's group health insurance certificate form COC17.CER.I.11.LG.MO failed to incorporate the required definitions which must be utilized in a policy, certificate, contract, or plan document that provides speech and hearing benefits in violation of §376.781.1 and 20 CSR 400-2.140(2) and (3).

WHEREAS, UHIC denies the allegations herein but the Division and UHIC 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.** UHIC 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. UHIC agrees to pay interest on the claims that were the subject of complaint 366673 pursuant to §374.191. If the claim was previously denied with member liability, then said interest payment shall be made to the member; otherwise, the interest payment shall be made to the provider. A letter or Explanation of Benefits (hereinafter "EOB") shall be included with the payments stating that payment is being made as a result of a Missouri market conduct investigation/examination.

2. UHIC agrees to conduct a review of all denied claims, including but not limited to claims denied with reason codes 3A, 3H, 15, and/or CT, for services related to speech impairment or loss as described in 20 CSR 400-2.140, submitted under Missouri group health insurance contracts

with dates of service on or after January 1, 2019 through the date of an Order approving this Stipulation. If a member's insurance coverage sets out benefits for speech disorders, or if such benefits are required to be provided pursuant to §376.781, RSMo, and 20 CSR 400-2.140, UHIC shall reprocess all such improperly denied speech disorder claims. Interest shall be included with the restitution payments in an amount determined pursuant to §374.191. If the claim was previously denied with member liability, then said refund payment and interest shall be made to the member; otherwise, the refund and interest payment shall be made to the provider. A letter or EOB shall be included with the payments stating that payment is being made as a result of a Missouri market conduct investigation/examination.

3. If it has not already done so, UHIC agrees to file with the Director an amendment to certificate form COC17.CER.I.11.LG.MO to conform to §376.781, RSMo, and 20 CSR 400-2.140, by including definitions for "loss or impairment of speech or hearing", "necessary care and treatment", "other covered services", and "communicative disorders generally treated by speech/language pathologists and audiologists." Said filing shall be submitted through the System for Electronic Rate and Form Filing (hereinafter "SERFF") within 60 days from the date of the Order approving this Stipulation. The SERFF filing will include a statement indicating that "as a result of a Missouri market conduct investigation, the attached form is being filed with the Department." Upon approval of the amendment by the Department, UHIC agrees to issue the amendment to each individual and entity to which an inforce certificate and group policy has been issued within 30 days after approval. The amendment shall have the force and effect as if the amendment was in the original filing or policy.

C. **Compliance.** UHIC agrees to file documentation with the Division, in a format acceptable to the Division, within 90 days of the entry of a final order of any remedial action taken pursuant to implement compliance with the terms of this Stipulation or to document the payment of

restitution required by this Stipulation. Such documentation is provided pursuant to §374.190.

D. **Voluntary Forfeiture.** UHIC agrees, voluntarily and knowingly, to surrender and forfeit the sum of \$7,000 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 UHIC, 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.** UHIC, 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. 374637.

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

H. **Governing Law.** This Stipulation shall be governed 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 UHIC 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. **Effect of Stipulation.** This Stipulation shall not become effective until entry of a Final Order by the Director approving this Stipulation.

L. **Request for an Order.** The signatories below request that the Director issue an Order

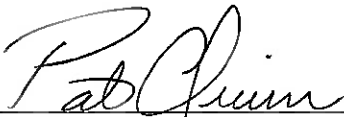
approving this Stipulation and ordering the relief agreed to in the Stipulation, and consent to the issuance of such Order.

DATED: 2/16/2022



Teresa Kroll
Chief Market Conduct Examiner
Division of Insurance Market Regulation

DATED: 2-16-22



Patrick Quinn
Missouri Healthplan CEO
UnitedHealthcare Insurance Company