



DEPARTMENT OF COMMERCE & INSURANCE

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

In Re:)
)
)
 UNITEDHEALTHCARE INSURANCE) Market Conduct Investigation No. 373515
 COMPANY (NAIC #79413))

ORDER OF THE DIRECTOR

NOW, on this 24th day of March, 2022, Director, Chlora Lindley-Myers, after consideration and review of the Stipulation of Settlement (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. 373515, does hereby issue the following orders:

This order, issued pursuant to §374.046.15¹ 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.

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

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 March, 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. 373515
COMPANY (NAIC #79413))

STIPULATION OF SETTLEMENT

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 has 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. 373515;

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

1. UHIC improperly denied claims as a result of implementing a therapy modifier rule for “Always Therapy” codes prior to the disclosed implementation date implicating the provisions of §375.1007(4)¹.

2. UHIC committed errors in the processing and handling of chiropractic claims by applying co-payments that exceeded fifty percent (50%) of the total cost of providing any single chiropractic service in violation of §376.391 and implicating the provisions of §375.1007(4) and

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

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 (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 consist of the following:

1. UHIC agrees to conduct a re-review of all denied claims received or processed, which were affected by the early implementation of the Always Therapy code modifier from May 19, 2019 through May 22, 2019 to ensure claims were processed correctly according to the members’ policy provisions. If UHIC applied allowed amounts to deductibles when the member’s plan did not have a deductible cost-sharing requirement, then UHIC shall reprocess all such improperly adjudicated claims. Interest shall be included with the restitution payments in an amount determined pursuant to §374.191. UHIC shall include a letter or Explanation of Benefits (hereinafter “EOB”) with the payments stating that payment is being made as a result of a Missouri market conduct investigation/examination.

2. UHIC agrees not to impose copayments exceeding fifty percent (50%) of the total cost of providing any single service to its enrollees under §376.391.

3. UHIC agrees to conduct a review of all chiropractic claims received or processed from January 1, 2019 through December 31, 2021 with a member copayment, to determine if any

copayments exceeded the fifty percent (50%) limitation. If a member paid a copayment in excess of fifty percent (50%) of the cost of providing any single service, UHIC agrees to refund any excessive copayment to the claimant, including the payment of interest as determined pursuant to §374.191. UHIC shall include a letter or EOB with the payments stating that payment is being made as a result of a Missouri market conduct investigation/examination.

C. **Compliance.** UHIC agrees to file documentation pursuant to §374.190 with the Division, in a format acceptable to the Division, within 90 days of the entry of an Order approving this Stipulation, 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.

D. **Forfeitures.** The Division agrees that it will not seek forfeitures against UHIC in connection with market conduct investigation no. 373515.

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. 373515.

G. **Amendments.** No amendments 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. **Effective Date.** This Stipulation shall not become effective until entry of an 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: 3-16-2022



Teresa Kroll
Chief Market Conduct Examiner
Division of Insurance Market Regulation

DATED: 3-16-22



Patrick Quinn
Missouri Healthplan CEO
UnitedHealthcare Insurance Company