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BEFORE THE UTAH INSURANCE COMMISSIONER

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| UTAH INSURANCE DEPARTMENT, Complainant, vs. UNITEDHEALTHCARE OF UTAH INC., Respondent. | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2020-4192 Lisa Watts Baskin Presiding Officer |
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Complainant, Utah Insurance Department ("Department") and Respondent, UnitedHealthcare of Utah Inc., have stipulated to entry of the following Findings of Fact, Conclusions of Law, and Order. Based upon that stipulation, and good cause appearing, the Presiding Officer makes and enters the following:

FINDINGS OF FACT

1. Respondent is a health maintenance organization holding Utah license number 1452.
2. Respondent's mailing address is 9800 Health Care Ln, MN006-W500, Minnetonka, MN 55343-4542.
3. On June 27, 2019, the Department received a complaint alleging that Respondent was

attempting to recover \$181,175.25 for overpayment of claims submitted between December 1, 2015 and December 19, 2017.

2. The basis for recovery was suspicion of insurance fraud. Respondent filed a fraud report on May 14, 2019.

3. Respondent later limited the recovery to a 36 month period and reduced the amount of recovery to \$138,910,35.

4. The Department sent a written inquiry to Respondent on July 12, 2019 requesting information be provided by July 17, 2019. No response was received until July 30, 2019, despite an email on July 18, a telephone message on July 25, and an administrative demand letter on July 26.

5. The fraud investigation was closed because Respondent failed to submit supporting documentation.

6. Unless fraud has been proven by clear and convincing evidence, Utah Code § 31A-26-301.6(14)(a) allows for the recovery of any amount improperly paid to a provider or an insured: (i) in accordance with Section 31A-31-103 or any other provision of state or federal law; (ii) within 24 months of the amount improperly paid for a coordination of benefits error; (iii) within 12 months of the amount improperly paid for any other reason not identified in Subsection (14)(a)(i) or (ii); or (iv) within 36 months of the amount improperly paid when the improper payment was due to a recovery by Medicaid, Medicare, the Children's Health Insurance Program, or any other state or federal health care program.

7. Respondent provided a spreadsheet showing that it was seeking to recover 78 claims beyond 12 months from the date of service, but did not provide documentation showing that

these claims qualified for recovery under Utah Code § 31A-26-301.6(14)(a)(i) or (ii); or (iv).

8. The Department and Respondent have agreed to an administrative forfeiture of \$39,750.00.

CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner (“Commissioner”) has jurisdiction over the parties and this adjudicative proceeding pursuant to Utah Code §§ 31A-1-105 and 31A-2-201.

2. The Commissioner has legal authority to impose penalties on the Department's licensees who violate the Utah Insurance Code. Utah Code § 31A-2-308.

3. Respondent violated Utah Code § 31A-26-301.6(14)(a)(iii) by attempting to recover 78 claims beyond 12 months from the claim service date.

4. Respondent violated Utah Code § 31A-2-202(4)(a) by failing to respond in a timely manner to a written inquiry from the Commissioner.

5. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$39,750.00

ORDER

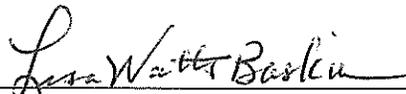
Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that:

1. Respondent shall pay a forfeiture of \$39,750.00 for the violations described in the Conclusions of Law.

2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

DATED this 14th day of February, 2020.

TODD E. KISER
Utah Insurance Commissioner



Lisa Watts Baskin
Presiding Officer
Utah Insurance Department

NOTICE TO RESPONDENT

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation. You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.