

HELEN A. FROHLICH #8814
Assistant Attorney General
SEAN D. REYES #7969
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, Utah 84114-0874
Telephone: (801)366-0375
Email: hfrohlich@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. UNITEDHEALTHCARE INSURANCE COMPANY, Respondent.	NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER Docket No. 2020-4223 Lisa Watts Baskin Presiding Officer
--	--

NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING

The Utah Insurance Department (“the Department”) commences this informal adjudicative proceeding against UnitedHealthcare Insurance Company (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and to Utah Admin. Code R590-160.

This agency action is based on the facts and law set forth in the attached Declaration and is designated as an informal adjudicative proceeding pursuant to Utah Code § 63G-4-202(1) and Utah Admin Code R590-160-4 and -8.

ORDER

Based on the facts and the law set forth in the attached Declaration, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent shall forfeit to the Department the amount of \$3,000.00.
2. To avoid additional penalties, Respondent shall file the 2019 Accident & Health Survey with the Department within 15 calendar days of the date of this order.
3. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Informal Adjudicative Proceeding and Order is emailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.
4. A request for a hearing shall be sent by email to uidadmincases@utah.gov or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 3110 State Office Building, Salt Lake City, UT 84114. The request for hearing shall be signed by the person making the request and shall state the basis for the relief requested.
5. If you fail to request a hearing you will be bound by this Order. Failure to request a hearing will be deemed a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

DATED this 12th day of June, 2020.

TODD E. KISER
Utah Insurance Commissioner



LISA WATTS BASKIN
Presiding Officer
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
Email: uidadmincases@utah.gov

NOTICE REGARDING ENFORCEMENT OF THE ORDER

Failure to obey the Order may subject you to further penalties that include forfeitures of up to \$2,500 per violation, license suspension or revocation, further enforcement action before the Utah District Court where forfeitures of up to \$10,000 may be imposed. If you are licensed in other jurisdictions, you may be required to report this proceeding to those jurisdictions.

DECLARATION

Under criminal penalty of Utah law, I, Carrie Backus, declare the following:

1. I am currently employed as a Market Conduct Examiner with the Utah Insurance Department (“Department”) where my responsibilities include investigating and enforcing Utah insurance laws.

2. I submit this Declaration as the basis for issuing the Notice of Informal Adjudicative Proceeding and Order against UnitedHealthcare Insurance Company (“Respondent”) to which this Declaration is attached.

3. Based on my personal knowledge and/or based on the facts appearing in the Department’s records and files, the following facts are true:

a. Respondent is a life insurer domiciled in Connecticut and authorized to do insurance business in Utah. Respondent’s Utah license number is 843.

b. Respondent is required to file the 2019 Utah Accident & Health Survey on or before April 1, 2020, in accordance with a notice published on the annual state filing checklist posted on the Department’s website on January 1, 2020.

c. Respondent failed to properly respond to a 1st Notice to File the 2019 Utah Accident & Health Survey on or before April 1, 2020.

d. On March 24, 2020, Respondent requested an extension to file before May 1, 2020. The Department granted this request.

e. The Department emailed Respondent a Final Notice dated May 4, 2020 to file the 2019 Utah Accident & Health Survey on or before May 15, 2020.

f. To date, Respondent has not filed the 2019 Utah Accident & Health Survey.

g. This is the third consecutive year that the Respondent has failed to properly respond to the Department's notices to file the Utah Accident & Health Survey.

4. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

a. Respondent violated Utah Code § 31A-2-202(4) by failing to reply promptly in writing or other designated form to a reasonable written inquiry from the commissioner.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violations should be \$3,000.00.

DATED this 9th day of June, 2020 at Salt Lake City, Utah.



Carrie Backus, Market Conduct Examiner
Utah Insurance Department