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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. UNITEDHEALTHCARE INSURANCE COMPANY, Respondent.</p>	<p>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER Docket No. 2020-4235</p>
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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 \$5,000.00.

2. To avoid additional penalties, Respondent shall provide a detailed explanation for the original denial of case # 73137, the basis for maintaining the denial on internal appeal, the basis for overturning the denial, and any additional information considered in overturning the denial, to 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 23 day of JULY, 2020

TODD E. KISER
Utah Insurance Commissioner

Reed Stingham - Deputy

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, Karen Maybury, 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.

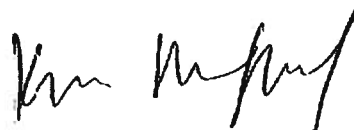
b. As part of a review of claims that were overturned as a result of or while pending an Independent Review Organization (“IRO”) appeal, the Department requested information regarding case # 73137, which was overturned by an IRO appeal in May 2019.

c. The request was sent on May 21, 2020. Respondent provided a timely, but incomplete, response. Respondent provided supporting documentation but not the explanation requested by the Department.

d. The Department sent a subsequent request on June 10, 2020, asking for a detailed explanation of the reason for the original denial, the basis for maintaining the denial on internal appeal, the basis for overturning the denial, and additional information considered in overturning the denial.

- e. To date, Respondent has not responded to the subsequent request.
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 \$5,000.00.

DATED this 13 day of July, 2020 at Salt Lake City, Utah.



Karen Maybury, Market Conduct Examiner
Utah Insurance Department