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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. MOTIVHEALTH INSURANCE CO. dba MOTIVHEALTH, Respondent.</p>	<p style="text-align: center;">FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER</p> <p>Docket No. 2022-4410</p> <p>Donald H. Hansen Administrative Law Judge/Presiding Officer</p>
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Complainant, Utah Insurance Department ("Department") and Respondent, MotivHealth Insurance Company dba MotivHealth (Respondent), 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 Organization domiciled in Utah and authorized to engage in the business of insurance under Utah license number 178065.

2. Respondent's mailing address is [REDACTED]

[REDACTED].

3. In March 2022, a health care provider alleged to the Commissioner that the Respondent was failing to provide Electronic Remittance Advice (ERAs) to providers unless the provider was using their electronic payment vendor, VPay, and that VPay was charging a transaction fee for the use of their service. The complaint also alleged the remittance advice form was not being provided as an 835 form, as required by Utah Admin. Code R590-164-6(4)(k).

4. Utah Admin. Code R590-164-6(4) adopts the HIPAA+ electronic data interchange standards developed by the UHIN Standards Committee and details the standard transactions for the transmission of health care eligibility inquiries and responses. It also sets out the 835 form as the required form for electronic remittance advice.

5. Subsequent investigation by the Department, determined that although Respondent had been providing some ERAs to providers, Respondent had failed to provide remittance advice 835 forms as required by Utah Admin. Code R590-164-6(4)(k).

6. The Department also determined that Respondent must offer a free standard Automated Clearinghouse Network (ACH) to all providers who wish to receive payment in that manner. If a provider chooses to select a non-standard ACH service through VPay, then a reasonable fee may be charged.

7. Following a meeting with representatives of the Department, Respondent agreed to direct their vendor, VPay, to provide 835 forms to providers and to remove the fee for the standard ACH. Respondent clarified that it would take a minimum of six to eight weeks to set up 835 forms in the system and informed the Department that VPay would not be able to remove the ACH fee for providers until May 1, 2022.

8. The Respondent informed the Department that 160 providers had been paid electronically since January 1, 2022.

9. The Department concluded in its investigation that Respondent had committed 160 violations of Utah Admin. Code R590-164-6(4)(k). Further, the Department found that Respondent has committed 52 additional violations of Utah insurance law within the past five years (See Dockets 2018-4016 and 2019-4070).

10. Based on the above findings, the Department and Respondent have agreed to an administrative forfeiture of \$106,000.

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 Admin. Code R590-164-6(4)(k) by failing to provide required remittance advice 835 forms to providers.

4. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$106,000.

ORDER

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

1. Respondent shall pay a forfeiture of \$106,000 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 July 2022.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen
Donald H. Hansen
Administrative Law Judge/Presiding Officer
Utah Insurance Department
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NOTICE TO RESPONDENT

Failure to obey this Order may subject you to further penalties that include a forfeiture of up to \$2,500 per violation, with each day of the violation constituting a separate violation. Other penalties for failing to obey this Order may include license suspension, probation, refusal to renew, or revocation. Failure to obey this Order may also result in an action taken against you in a court of competent jurisdiction where forfeitures of up to \$10,000 for each day the failure to comply continues until judgment is rendered. If you are licensed in other jurisdictions, you may be required to report this proceeding in those jurisdictions

CERTIFICATE OF SERVICE

The undersigned certifies that on this date a true and correct copy of the foregoing Findings of Fact, Conclusions of Law and Order was emailed to:

Michelle Evans
[REDACTED]

and

Shelley A. Coudreaut
Assistant Attorney General
sacoudreaut@agutah.gov

DATED this 14th day of July 2022.

/s/ Jeanine Couser

Jeanine Couser
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