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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. UNITED HEALTHCARE INSURANCE COMPANY, Respondent.</p>	<p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER</p> <p>Docket No. 2024-4614</p> <p>Donald H. Hansen Administrative Law Judge/Presiding Officer</p>
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Complainant, Utah Insurance Department ("Department") and Respondent, United Healthcare Insurance ("Respondent"), have stipulated to the 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 an insurer, domiciled in Connecticut, and authorized to do the business of insurance in Utah under certificate of authority, Utah number 843.

2. Respondent's mailing address is [REDACTED].

3. Pursuant to Utah Code § 31A-21-201(1), a form may not be used, sold, or offered for sale

until the form is filed with the Utah Insurance Commissioner (“Commissioner”). This filing requirement applies to all types of accident and health insurance products under Utah Admin. Code R.590-220-2(2).

4. On March 8, 2022, William Stimpson, a Market Conduct Examiner for the Department, sent a request for information letter to the Respondent related to information that the Respondent had sold unapproved plans to a Utah consumer without filing the appropriate forms with the Commissioner prior to offering the forms.

5. During this investigation, Respondent discovered, and self-reported, an additional association that also had Utah members in a group health plan using unfiled forms. The forms were originally filed in Illinois and should have also been filed in Utah.

6. Respondent stated its members nationwide have been on a fully insured large group association health plan since 2014. Respondent reported the association currently has 2,186 members (all Utah residents) covered under this policy. However, the forms were not properly filed with the Department for its Utah members.

7. After the discovery, Respondent submitted their filing to the Department on May 20, 2022. The filing, UHLC-133271387, was rejected based on incorrect information. The review was delayed in order to determine who the insurer was and to correct multiple references to Illinois jurisdiction. The Respondent worked with the Department’s Rate & Form Team, and on July 6, 2023, a certificate of coverage was issued to the Respondent for SERFF Tracking number UHLC-133543750.

8. The Department and Respondent have agreed to an administrative forfeiture of \$546,500.00.

CONCLUSIONS OF LAW

1. The 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 pursuant to Utah Code § 31A-2-308.

3. Respondent violated Utah Code § 31A-21-201(1) and Utah Admin. Code R.590-220-2(2), when it used, sold, or offered for sale a form that was not filed with the Commissioner to 2,186 Utah group members.

4. As a penalty for the violations in this case, Respondent should be ordered to pay a forfeiture of \$546,500.

ORDER

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

1. Respondent shall pay a forfeiture of \$546,500 for the violations described in the Conclusions of Law. Payment in full is due within thirty days of this order.
2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

DATED this 2nd day of May 2024.

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 \$5,000 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 being 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:

United Healthcare Insurance Company
Regulatory Consumer Affairs

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

United Healthcare Insurance Company

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

and

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

DATED this 2nd day of May 2024.

/s/ Jeanine Couser
Jeanine Couser
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