

No. 2018-5634

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: SEP 18 2018

Subject Considered:

OPTUMRX, INC.
2300 Main Street
Irvine, California 92641

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 15638

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against OptumRX, Inc.

WAIVER

OptumRX, Inc. acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. OptumRX, Inc. waives all of these rights and any other applicable procedural rights in consideration of the entry of this consent order.

FINDINGS OF FACT

1. The Texas Department of Insurance (TDI) issued OptumRX, Inc. nonresident utilization review agent (URA) certificate no. 1786574, effective September 14, 2012.
2. On January 23, 2018, TDI's Managed Care Quality Assurance Office (MCQA) selected OptumRX, Inc. for a template letter audit related to its 2017 adverse determinations.
3. MCQA determined that in 2017, OptumRX, Inc. failed to issue MCQA-approved adverse determination template letters in all 50 of the files (100%) that MCQA randomly selected for audit.
4. OptumRX, Inc. submitted its updated template letters to MCQA, which MCQA approved on April 19, 2018.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.056, 84.021-84.022, 4201.001, 4201.002, 4201.303, and 4201.603; 28 TEX. ADMIN. CODE § 19.1709; and TEX. GOV'T CODE §§ 2001.051-2001.178.

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2. The commissioner has authority to informally dispose of this matter as set forth under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 82.055 and 36.104; and 28 TEX. ADMIN. CODE § 1.47.
3. OptumRX, Inc. has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. OptumRX, Inc. violated TEX. INS. CODE § 4201.303 and 28 TEX. ADMIN. CODE § 19.1709 by using unapproved adverse determination templates.

It is ordered that OptumRX, Inc. pay an administrative penalty of \$75,000 within 30 days from the date of this Order. The administrative penalty must be paid by company check, cashier's check, or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Legal and Enforcement Division 60851, MC 9999, P.O. Box 149104, Austin, Texas, 78714-9104.



Kent C. Sullivan
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Jeannie Ricketts
Staff Attorney, Enforcement Section
Texas Department of Insurance

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AFFIDAVIT

STATE OF MINNESOTA §
 §
COUNTY OF HENNEPIN §

Before me, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed as follows:

“My name is Richard J. Mattera. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I hold the office of Chief Legal Officer of Optum, Inc., and am the authorized representative of OptumRX, Inc. I am duly authorized by said organization to execute this statement.

OptumRX, Inc. waives rights provided by the Texas Insurance Code and other applicable laws, and acknowledges the jurisdiction of the Texas commissioner of insurance.

OptumRX, Inc. is voluntarily entering into this consent order. OptumRX, Inc. consents to the issuance and service of this consent order.”

Richard J. Mattera
Affiant

SWORN TO AND SUBSCRIBED before me on August 2, 2018.

(NOTARY SEAL)

[Signature]
Signature of Notary Public

