

No. **2016-4800**

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

Date: NOV 21 2016

Subject Considered:

UNITEDHEALTHCARE BENEFITS OF TEXAS, INC.
9700 Health Care Lane
Mn017-E900
Minnetonka, MN 55343

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 11738

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Unitedhealthcare Benefits of Texas, Inc. (UHC).

WAIVER

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

Pursuant to TEX. INS. CODE § 82.055(b), UHC agrees to this consent order with the express reservation that it does not admit to a violation of any provision of the Insurance Code or rule or regulation of the department and maintains the existence of any violation is in dispute.

FINDINGS OF FACT

1. TDI issued UHC basic service health maintenance organization (HMO) license number 5871, effective May 13, 1986.

2012 and 2015 Triennial Examinations

2. On September 12, 2012, TDI conducted a triennial quality of care examination of UHC for the period beginning May 20, 2009, and ending June 13, 2012.
3. In 2015, TDI conducted another triennial quality of care examination of UHC for the period beginning June 13, 2012, and ending December 31, 2014.

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4. On February 26, 2016, TDI held an exit conference call with UHC to discuss the 2015 examination findings.
5. In UHC's 2015 examination, TDI found evidence UHC failed to include a one-page complaint form or the complaint form didn't prominently and clearly state that the form must be returned to the HMO for prompt resolution, similar to those issues TDI previously identified in UHC's 2012 examination.
6. In UHC's 2015 examination, TDI found evidence UHC failed to provide a reasonable opportunity for a provider to have a peer to peer discussion of treatment prior to an adverse determination being issued, similar to those issues TDI previously identified in UHC's 2012 examination.
7. In UHC's 2015 examination, TDI found evidence UHC failed to properly acknowledge oral complaints.
8. UHC failed to correct the deficiencies within 90 days from the receipt of its 2012 examination report, in accordance with its 2012 corrective action plan.
9. UHC submitted a plan of correction to address the deficiencies cited in the final audit report issued by TDI on October 18, 2016.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 31.002; 82.051-82.055, 84.021-84.022, 401.055, 843.156, 843.251(a), 843.252(b)(2), and 4201.206; 28 TEX. ADMIN. CODE §§ 11.303(d)(6) and (7), and 19.1711; and TEX. GOV'T CODE §§ 2001.051-2001.178.
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. UHC violated TEX. INS. CODE § 843.252(b)(2) because it failed to include a one-page complaint form or the complaint form didn't prominently and clearly state that the form must be returned to the HMO for prompt resolution, if the complaint is made orally.
4. UHC violated TEX. INS. CODE § 4201.206 and § 28 TEX. ADMIN. CODE § 19.1711 because it failed to provide a reasonable opportunity for a provider to have a peer to peer discussion of treatment prior to an adverse determination being issued.

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5. UHC violated TEX. INS. CODE § 843.251(a) because it failed to properly acknowledge oral complaints.
6. UHC violated 28 TEX. ADMIN. CODE § 11.303(d)(6) and (7) by failing to correct the deficiencies cited within its plan of correction within 90 days from the receipt of the written examination report.

The commissioner orders Unitedhealthcare Benefits of Texas, Inc. to pay an administrative penalty of \$90,000 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, Division 40111, P.O. Box 149104, Austin, Texas, 78714-9104.



David C. Mattax
Commissioner of Insurance

Approved as to Form and Content:



Bev Rosendahl, Staff Attorney
Enforcement Section, Compliance Division
Texas Department of Insurance

