

No. 2016- 4855

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

Date: DEC 16 2016

Subject Considered:

CIGNA HEALTHCARE OF TEXAS, INC.
1640 Dallas Parkway
Plano, Texas 75093

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 11947

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Cigna Healthcare of Texas, Inc. (Cigna).

WAIVER

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

FINDINGS OF FACT

1. TDI issued Cigna basic service health maintenance organization (HMO) license number 94587, effective May 31, 1996.

2012 and 2016 Triennial Examinations

2. On June 12, 2012, TDI conducted a triennial quality of care examination of Cigna for the period beginning June 24, 2009, and ending April 24, 2012.
3. In 2015, TDI conducted another triennial quality of care examination of Cigna for the period beginning March 14, 2012, and ending December 31, 2014.
4. On February 26, 2016, TDI held an exit conference call with Cigna to discuss the 2015 examination findings.

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5. In Cigna's 2015 examination, TDI found files related to HMO enrollees did not evidence an adverse determination was issued within three calendar days of receiving the request for services for enrollees not hospitalized at the time of the requests, similar to those that TDI previously identified in Cigna's 2012 examination.
6. Cigna failed to correct the deficiencies within 90 days from the receipt of its 2012 examination report, in accordance with its 2012 corrective action plan.
7. Cigna submitted a plan of correction to address the deficiencies cited in the final audit report issued by TDI on July 7, 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, and 843.348(d); 28 TEX. ADMIN. CODE §§ 11.303(d)(6) and 19.1718(d)(1); 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. Cigna violated TEX. INS. CODE §§ 843.348(d) and 28 TEX. ADMIN. CODE § 19.1718(d)(1) because it failed to issue an adverse determination within three calendar days of receiving the request for services.
4. Cigna violated 28 TEX. ADMIN. CODE § 11.303(d)(6) by failing to correct the deficiencies cited within its plan of correction within 90 days from receipt of the written examination report.

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The commissioner orders Cigna Healthcare of Texas, Inc. to 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, Division 40111, MC 9999, 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

