

No. 2017- 4911

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

Date: JAN 24 2017

Subject Considered:

UNITED CONCORDIA DENTAL PLANS OF TEXAS, INC.
4401 Deer Path Road
Harrisburg, PA 17110

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 11601

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against United Concordia Dental Plans of Texas, Inc.

WAIVER

United Concordia acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. United Concordia 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 United Concordia single service health maintenance organization (HMO) license number 5263 on October 3, 1988.
2. The Managed Care and Quality Assurance (MCQA) Office performed triennial quality of care examinations of United Concordia from January 4, 2009, through May 17, 2012, and from May 17, 2012, through December 31, 2014.
3. MCQA issued its official examination reports on September 14, 2012, and April 5, 2016.

Repeat Recredentialing Violations

4. National Committee for Quality Assurance (NCQA) standards contemplate that organizations reevaluate practitioners' qualifications every 36 months.¹

¹ NCQA, Credentialing and Recredentialing (CR), <http://www.ncqa.org/programs/certification/utilization-management-and-credentialing-um-cr/credentialing-and-credentialing-cr>.

5. MCQA's August 15, 2012, triennial exam report of United Concordia states that files did not evidence United Concordia recredentialed providers within 36 months of the previous credentialing decision.
6. United Concordia's plan of correction for its 2012 triennial exam stated that October 5, 2012, was the target date to ensure recredentialed providers was completed within 36 months.
7. MCQA's August 11, 2015, desk review letter states that United Concordia's revised contracted and credentialed provider list did not provide evidence that United Concordia recredentialed 92 providers within 36 months of the previous credentialing decision.
8. MCQA's April 5, 2016, triennial exam report of United Concordia states that files did not evidence that United Concordia recredentialed providers within 36 months of the previous credentialing decision.

Corrective Action Plan Violations

9. United Concordia failed to implement its 2012 plan of correction within 90 days from receipt of its 2012 official exam report.

Prompt Payment Violations

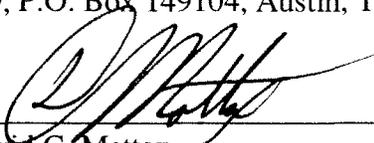
10. MCQA's 2015 desk review letter stated that United Concordia would need to recalculate the claim paid date for the years 2012 through the present to accurately report claims for purposes of SB 418 prompt payment data collection.
11. In its October 12, 2015, desk review letter response, United Concordia agreed to: (1) implement a solution to correctly capture the claim paid date, and (2) recalculate the "claim paid date" for the years 2012 through the present.
12. MCQA's April 5, 2016, triennial exam report noted that United Concordia's claim system: (1) captured the date it adjudicates or finalizes a claim instead of documenting the date that it pays claims, and (2) did not process claims adjusted within the applicable statutory claims payment period.

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, Chapter 843, Subchapter J, and 1451.002; 28 TEX. ADMIN. CODE §§ 11.303, 11.1902(4), 11.2207(d)(4), 21.2807, and 21.2810; TEX. GOV'T CODE §§ 2001.051-2001.178.

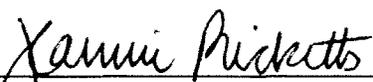
2. The commissioner has authority to informally dispose of this matter as set forth under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 82.055 and 36.104; and 28 TEX. ADMIN. CODE § 1.47.
3. United Concordia violated TEX. INS. CODE § 1452.002 because it did not verify that a physician's license to practice medicine and any other certificate the physician is required to hold . . . is valid as of the date of: (1) initial credentialing of the physician; and (2) each recredentialing.
4. United Concordia violated 28 TEX. ADMIN. CODE §§ 11.1902(4) and 11.2207(d)(4) because it failed to implement a documented process for selection and retention of contracted physicians and providers compliant with NCQA standards.
5. United Concordia violated 28 TEX. ADMIN. CODE § 11.303(d)(6) by not correcting deficiencies cited within its plan of correction no later than 90 days from the receipt of the written examination report.
6. United Concordia violated 28 TEX. ADMIN. CODE § 21.2807 by not complying with the requirement that the statutory claims payment period begins to run on receipt of a clean claim, including a corrected claim that is a clean claim from a preferred provider.
7. United Concordia violated 28 TEX. ADMIN. CODE § 21.2810 by not having a system to record the date of claim payment for purposes of determining compliance with the statutory claims payment period.

The commissioner orders United Concordia Dental Plans of Texas, Inc., to pay an administrative penalty of \$25,000 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:



Jeanie Ricketts, Staff Attorney
Enforcement Section, Compliance Division
Texas Department of Insurance

