

No. 2017- 5203

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

Date: AUG 3 1 2017

Subject Considered:

UNITEDHEALTHCARE COMMUNITY PLAN OF TEXAS, LLC.
9702 Bissonnet Suite 2200 West
Houston, Texas 77036

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 13315

General remarks and official action taken:

This order is in consideration of whether disciplinary action should be taken against Unitedhealthcare Community Plan of Texas, LLC (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 UHC maintains the existence of any violation is in dispute.

FINDINGS OF FACT

1. October 13, 2014, UHC filed an update application to their URA certification. The initial adverse determination letter submitted by UHC was deficient and required revisions. The URA update was accepted on December 12, 2014.

Adverse Determination Templates

2. In 2016, UHC submitted a renewal application, including the submission of template letters. The initial adverse determination template letters provided by UHC in 2016 were not the templates that were previously approved during the 2014 update.

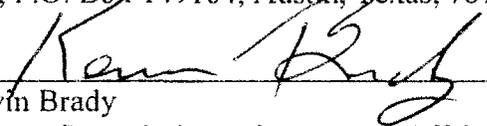
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3. TDI sent UHC deficiency letters in 2014 and 2016 requesting revisions to the adverse determination templates. UHC adhered to TDI's request, revisions to the templates were made and UHC's certification was renewed both years.
4. In 2016, MCQA selected UHC for a utilization review audit of adverse determination letters currently in use. MCQA randomly selected three utilization review case files and requested UHC to provide all of the issued initial adverse determination letters in those cases.
5. Review of the three files revealed that UHC was not, in those cases, consistently using their most current adverse determination templates; templates previously approved by TDI.
6. UHC has represented to TDI that their most current adverse determination templates are now being used consistently and the issue has been resolved by UHC.

CONCLUSIONS OF LAW

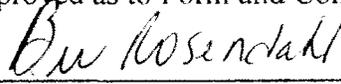
1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 31.002, 82.051-82.055, 84.021-84.022, and 4201.303; 28 TEX. ADMIN. CODE § 19.1709; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to informally dispose of this matter as set forth under TEX. 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 § 4201.303 and 28 TEX. ADMIN. CODE § 19.1709 by using unapproved adverse determination templates.

The commissioner orders Unitedhealthcare Community Plan of Texas, LLC to pay an administrative penalty of \$15,000 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.



Kevin Brady
Deputy Commissioner for Agency Affairs
Texas Department of Insurance
Delegation Order 4506

Approved as to Form and Content:



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

AFFIDAVIT

STATE OF TEXAS §

COUNTY OF FORT BEND §

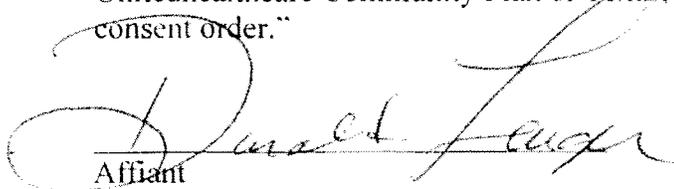
Before me, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed as follows:

"My name is DONNID LANGER. 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 CEO, and am the authorized representative of Unitedhealthcare Community Plan of Texas, LLC. I am duly authorized by said organization to execute this statement.

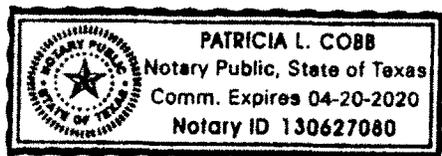
Unitedhealthcare Community Plan of Texas, LLC waives rights provided by the Texas Insurance Code and other applicable laws, and acknowledges the jurisdiction of the Texas commissioner of insurance.

Unitedhealthcare Community Plan of Texas, LLC is voluntarily entering into this consent order. Unitedhealthcare Community Plan of Texas, LLC consents to the issuance and service of this consent order."


Affiant

SWORN TO AND SUBSCRIBED before me on August 21, 2017.

(NOTARY SEAL)




Signature of Notary Public