

STATE OF OHIO



DEPARTMENT OF INSURANCE

IN THE MATTER OF:	:	
UNITED HEALTHCARE INSURANCE	:	
COMPANY OF OHIO NAIC # 73518	:	CONSENT ORDER

The Superintendent (Superintendent) of the Ohio Department of Insurance (Department) is responsible for administering the Ohio insurance laws pursuant to Ohio Revised Code (RC) 3901.011. United Healthcare Insurance Company of Ohio (UHC) is authorized to engage in the business of insurance in the State of Ohio pursuant to RC 3929.01 and, as such, is under the jurisdiction of the Superintendent and the Department.

UHC makes available to insured members and to consumers considering the purchase of insurance products an on-line provider list and provider directory (hereafter, the on-line provider directory). The on-line provider directory purports to be an accurate listing of providers who are in the UHC network.

Beginning in or around May 2008, the Department investigated UHC's on-line mental health provider directory in order to determine whether it identified mental health providers as "in network" who were unreachable, no longer in network and/or in network, but not accepting new patients and, if so, to what extent. This investigation was not related to a specific complaint regarding UHC.

The investigation was conducted in accordance with the standards and procedures established by the National Association of Insurance Commissioners (NAIC) using the NAIC's standard of 10% error ratio (90% compliance rate), to determine whether an apparent pattern or practice of non-compliance exists for any given test. Based upon this standard, an on-line provider directory containing mental health providers who were unreachable, no longer in network and/or in network, but not accepting new patients at a greater than 10% error ratio, indicates an apparent pattern or practice of non-compliance with the insurance laws, specifically, RC 3901.21(A) and (B), RC 3923.16, RC 1751.20(A) and RC 1751.31(E).

SECTION I

The Department attempted to contact anonymously by telephone a random sampling of 15% (or 83) of the 553 psychiatrists in Cuyahoga, Franklin and Hamilton counties, listed in the UHC on-line provider directory. Of these 83, only 29 (35%) of the providers reached stated that they were taking new patients. Based upon the 90% compliance rate, this finding indicates an apparent pattern or practice of non-compliance with RC 3901.21(A) and (B), RC 3923.16, RC 1751.20(A) and RC 1751.31(E).

SECTION II

- A. The Department and UHC enter into this Consent Order to resolve only the allegations as set forth in Section I of this order. UHC neither admits nor denies that the allegations set forth in Section I are true and accurate and that it has violated RC 3901.21(A) and (B), RC 3923.16, RC 1751.20(A) and RC 1751.31(E).

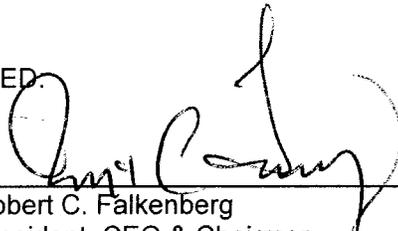
- B. UHC has been advised that it has a right to a hearing before the Superintendent pursuant to RC Chapter 119 before the Superintendent may impose any sanctions or penalties; that, at a hearing, it would be entitled to appear in person, to be represented by an attorney or other representative who is permitted to practice before the agency; and that, at a hearing, it would be entitled to present its position, arguments, or contentions in writing and to present evidence and examine witnesses appearing for and against it. UHC hereby waives all such rights with respect to the specific matters set forth in this Consent Order.
- C. UHC consents to the jurisdiction of the Superintendent and the Department to determine the issues set forth herein. UHC expressly waives prerequisites to jurisdiction that may exist with respect to the specific matters set forth in this Consent Order.
- D. UHC agrees to the following corrective actions:
1. Conduct monthly audits, using scientific random sampling techniques, which would provide for a 95% confidence level to validate UHC's directories. Continue review of all returned provider mail to identify demographic changes that can be subsequently reflected in UHC's directories.
 2. Conduct monthly reviews of claim data for providers who have not filed a claim in the previous 12 months.
 3. Monthly interaction with credentialing staff who may become aware of demographic changes.
 4. Place a marker in UHC's directories next to those providers that indicates they are not taking new patients.
 5. Place a prominent notice in UHC's directories indicating that the listing may not be totally accurate.
 6. Communicate more frequently and effectively with providers to facilitate an improved relationship, to include the importance of notifying UHC of changes to addresses or phone numbers.
- E. Not later than sixty (60) days after the last signature date of this Order, UHC shall adopt policies and procedures to implement this Consent Order and prevent future provider directory compliance violations. UHC shall file those policies and procedures (and any changes to those policies and procedures as they occur) with the Department. If acceptable to the Department, UHC shall provide those policies and procedures to the business units responsible for development and maintenance of UHC's provider directories. Not later than the next regularly scheduled meeting of the Audit Committee of the Board of Directors (which shall occur not later than 90 days after the last signature date of this Order), UHC management shall provide to the Audit Committee a copy of this Consent Order and a copy of the policies and procedures adopted for its directories. To verify compliance with the policies and procedures, UHC's internal auditor shall include provider directory compliance in future compliance audits. The Department may, from time to time, conduct investigations or examinations to determine the effectiveness of UHC's policies and procedures in fulfilling the terms of

this Consent Order and preventing further compliance violations. If the Department finds that the policies and procedures filed with the Department are inadequate, UHC's Board of Directors shall take immediate actions to remedy compliance violations and correct deficiencies in the policies and procedures that are acceptable to the Department.

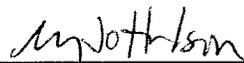
- F. UHC waives and releases any and all causes of actions, claims, or rights, known or unknown, which it may have against the Department, and any employees, agents, consultants, contractors, or officials of the Department, in their individual and official capacities, as a result of any acts or omissions on the part of such persons or entities with respect to the specific matters set forth in this Consent Order.
- G. This Consent Order is binding on UHC and has the full force and effect of an order of the Superintendent. Failure to abide by the terms of this Consent Order shall constitute an actionable violation in and of itself and may subject UHC to any and all remedies available to the Superintendent.
- H. UHC understands and acknowledges that this Consent Order is a public document pursuant to R.C. 149.43 and shall be entered into the Journal of the Ohio Department of Insurance.

ACKNOWLEDGED AND AGREED.

Date: 11-4-08



Robert C. Falkenberg
President, CEO & Chairman
United Healthcare Insurance Company of Ohio

Date: 10 November 2008 

Mary Jo Hudson
Superintendent of Insurance
Ohio Department of Insurance