

STATE OF OHIO

DEPARTMENT OF INSURANCE

IN THE MATTER OF: : CONSENT ORDER  
MEDICAL MUTUAL OF OHIO, INC. :

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. Medical Mutual of Ohio, Inc. (MMO) 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.

SECTION I

MMO makes available to insured members and to consumers considering the purchase of insurance products an on-line provider directory (hereafter, the on-line provider directory). MMO maintains the on-line provider directory to assist members in locating network providers. MMO's on-line provider directory does not contain any representations or disclaimers about the accuracy of the directory.

Beginning in or around May 2008, the Department investigated MMO's on-line mental health provider directory in Cuyahoga, Franklin, and Hamilton counties in order to determine whether the on-line provider directory 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 against MMO.

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 a 10% error ratio (90% compliance rate), to determine whether an apparent pattern or practice of non-compliance exists for any given test.

SECTION II

- A. The Department alleges that it attempted to contact anonymously by telephone a random sampling of 15% (or 31) of the 207 psychiatrists in Cuyahoga, Franklin and Hamilton counties, listed in the MMO on-line provider directory. Of these 31, only 4 (13%) of the providers reached stated that they were taking new patients.
- B. The Department further alleges that the 13% compliance rate with respect to psychiatrists in Cuyahoga, Franklin and Hamilton counties, listed in the MMO on-line provider directory indicates a pattern or practice of non-compliance with Revised Code (RC) 3901.21(A) and (B), RC 3923.16, RC 1751.20(A) and RC 1751.31(E).

### SECTION III

- A. The Department and MMO enter into this Consent Order to resolve only the allegations set forth in Section II of this order. Further, MMO admits that the allegation set forth in Section II A. above is true and accurate, but neither admits nor denies that the 13% compliance rate indicates a pattern or practice of noncompliance with the insurance laws referenced in Section II B. above.
- B. MMO 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. MMO hereby waives all such rights.
- C. MMO consents to the jurisdiction of the Superintendent and the Department to determine the issues set forth herein. MMO expressly waives prerequisites to jurisdiction that may exist.
- D. MMO agrees that the accuracy of MMO's on-line directory should be improved, reviewed on a periodic basis, and include an appropriate disclaimer.

In order to improve the accuracy of MMO's on-line provider directory, MMO agrees to do the following:

1. For a period of one year, conduct not less than two audits, using scientific random sampling techniques, which would provide for a 95% confidence level to validate MMO's on-line directory. For the following two years, conduct annual audits.
2. Review all returned provider mail to identify demographic changes that can be subsequently reflected in MMO's on-line directory.
3. Not less than annually, conduct reviews of claim data for providers who have not filed a claim in the previous 12 months.
4. Direct MMO credentialing staff to report, on a monthly basis, to MMO staff responsible for the on-line provider directory any demographic changes discovered during the credentialing or recredentialing process.
5. Utilize MMO staff or a third-party vendor to conduct periodic inquiries with providers listed in MMO's on-line directory.
6. Place a prominent notice in MMO's on-line directory, indicating that the listing may not be completely accurate.
7. Place a prominent notice in MMO's on-line directory that instructs insureds to confirm

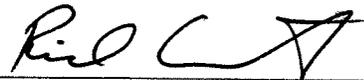
that a provider is still participating in the MMO network and accepting new patients before making an appointment.

E. Not later than sixty (60) days after the last signature date of this Order, MMO shall adopt policies and procedures to implement this Consent Order and prevent future provider directory compliance violations. MMO 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, MMO shall provide those policies and procedures to the business units responsible for development and maintenance of MMO's provider directories. Not later than thirty (30) days after adoption of the policies and procedures, MMO management shall provide to the Audit Committee of the Board of Directors 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, MMO'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 MMO'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, MMO'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. MMO 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.
- G. This Consent Order is binding on MMO 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 MMO to any and all remedies available to the Superintendent.
- H. MMO 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.

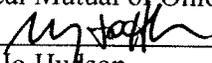
ACKNOWLEDGED AND AGREED:

Date: February 11, 2009



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Rick Chiricosta  
President and CEO  
Medical Mutual of Ohio

Date: Feb 19, 2009



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Mary Jo Hudson  
Superintendent of Insurance  
Ohio Department of Insurance