



**DEPARTMENT OF COMMERCE & INSURANCE**

P.O. Box 690, Jefferson City, Mo. 65102-0690

*In Re:* )  
 )  
GOLDEN RULE INSURANCE ) **Market Conduct Investigation No. 351346**  
COMPANY (NAIC #62286) )

**ORDER OF THE DIRECTOR**

NOW, on this 13<sup>th</sup> day of May, 2021, Director, Chlora Lindley-Myers, after consideration and review of the Stipulation of Settlement and Voluntary Forfeiture (hereinafter “Stipulation”) entered into by the Division of Insurance Market Regulation (hereinafter “Division”), and Golden Rule Insurance Company (NAIC #62286) (hereinafter “Golden Rule”), relating to the market conduct investigation no. 351346, does hereby issue the following orders:

This order, issued pursuant to §374.046.15<sup>1</sup> and §374.280 is in the public interest.

**IT IS THEREFORE ORDERED** that Golden Rule and the Division having agreed to the Stipulation, the Director does hereby approve and agree to the Stipulation.

**IT IS FURTHER ORDERED** that Golden Rule shall not engage in any of the violations of law and regulations set forth in the Stipulation, shall implement procedures to place it in full compliance with the requirements in the Stipulation and the statutes and regulations of the State of Missouri, and to maintain those corrective actions at all times, and shall fully comply with all terms of the Stipulation.

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<sup>1</sup> All references, unless otherwise noted, are to Revised Statutes of Missouri 2016, as amended, or to the Code of State Regulations, 2020, as amended.

**IT IS FURTHER ORDERED** that Golden Rule shall pay, and the Department of Commerce and Insurance, State of Missouri, shall accept, the Voluntary Forfeiture of \$5,000.00, payable to the Missouri State School Fund.

**IT IS SO ORDERED.**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of my office in Jefferson City, Missouri, this 13<sup>th</sup> day of May, 2021.



*Chlora Lindley Myers*  
Chlora Lindley-Myers  
Director

**IN THE DEPARTMENT OF COMMERCE AND INSURANCE  
STATE OF MISSOURI**

*In Re:* )  
 )  
**GOLDEN RULE INSURANCE** ) **Market Conduct Investigation No. 351346**  
**COMPANY (NAIC #62286)** )

**STIPULATION OF SETTLEMENT AND VOLUNTARY FORFEITURE**

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter, the “Division”), and Golden Rule Insurance Company (NAIC #62286) (hereinafter “Golden Rule”), as follows:

**WHEREAS**, the Division is a unit of the Missouri Department of Commerce and Insurance (hereinafter, the “Department”), an agency of the State of Missouri, created and established for administering and enforcing all laws in relation to insurance companies doing business in the State of Missouri;

**WHEREAS**, Golden Rule has been granted a certificate of authority to transact the business of insurance in the State of Missouri;

**WHEREAS**, the Division conducted a market conduct investigation of Golden Rule, investigation no. 351346; and

**WHEREAS**, based on the market conduct investigation of Golden Rule the Division alleges that:

1. Golden Rule through its agent, OptumRx, erroneously provided Missouri enrollees an Illinois Member Grievance Rights document in violation of §376.1363.5<sup>1</sup>, §376.1387, and 20 CSR 100-5.010(4).
2. For reporting years 2017, 2018, and 2019, Golden Rule did not include accurate lists

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<sup>1</sup> All references, unless otherwise noted, are to Revised Statutes of Missouri 2016, as amended, or to the Code of State Regulations, 2020, as amended.

of the utilization review agents to which it delegates utilization review activities in its annual report filed with the Department in violation of §376.1359.2 and 20 CSR 400-10.020(1)(B).

3. Golden Rule provided incorrect and inaccurate information to the Department in violation of §374.210.1(2).

4. Golden Rule inaccurately represented its policy terms and conditions by providing preauthorization approval and/or denials to members on prescription drugs, which were not expressly required to be preauthorized by the terms and conditions of its policies, in violation of §375.934 and §375.936(6)(a).

5. Golden Rule inaccurately represented to claimants relevant facts and policy provisions relating to prior authorizations for services and treatments by denying some pharmaceutical claims after erroneously conducting prior authorization review in violation of §375.1005 and §375.1007(1).

6. In two instances, Golden Rule did not attempt to effectuate prompt, fair and equitable settlement of claims in which liability had become reasonably clear in implicating the provisions of §375.1007(4).

**WHEREAS**, the Division and Golden Rule have agreed to resolve the issues raised in the market conduct investigation as follows:

A. **Scope of Agreement.** This Stipulation of Settlement and Voluntary Forfeiture (hereinafter, "Stipulation") embodies the entire agreement and understanding of the signatories with respect to the subject matter contained herein. The signatories hereby declare and represent that no promise, inducement or agreement not herein expressed has been made, and acknowledge that the terms and conditions of this agreement are contractual and not a mere recital.

B. **Remedial Action.** Golden Rule agrees to take remedial action bringing it into compliance with the statutes and regulations of Missouri and agrees to maintain those remedial

actions at all times, to reasonably ensure that the errors noted in the market conduct investigation do not recur. Such remedial actions shall include, but are not limited to, the following:

1. Golden Rule agrees to distribute appropriate Missouri grievance notices to Missouri enrollees as defined in §376.1350(14).

2. Golden Rule agrees to file corrected utilization review reports with the Department for years 2017, 2018 and 2019. Golden Rule also agrees that it will take measures to reasonably ensure that future utilization review reports filed with the Department include accurate lists of utilization review agents.

3. Golden Rule agrees that it will provide complete and accurate information to the Department in response to future inquiries, investigations, or examinations.

4. Unless an amendment to its policy forms has been filed within 90 days of an Order approving this stipulation with the Department through the System for Electronic Rate and Form Filing (“SERFF”) identifying what drugs, treatment or services require prior authorization, Golden Rule agrees to cease conducting prior authorization reviews, which are not expressly authorized under its policy and pharmaceutical guidelines.<sup>2</sup> Golden Rule further agrees to issue a bulletin to its utilization review agents reminding them that prior authorizations should not be conducted for prescription drugs that are not expressly indicated in its guidelines or policies.

5. Golden Rule agrees that before it implements a prior authorization or restriction on prescription drugs, treatment, or services, it will file a clarifying amendment to its policy forms with the Department through SERFF identifying what drugs, treatment or services require prior authorization. The SERFF filing will include a statement indicating that “as a result of a Missouri market conduct investigation, the attached amended policy forms are being filed with the

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<sup>2</sup> Drugs with Clinical Programs document/ Pharmacy Benefit Programs Drug List

Department.” Golden Rule further agrees to submit the amended policy filing within 90 days of the date of the Order approving this Stipulation.

C. **Compliance.** Golden Rule agrees to file documentation with the Division, in a format acceptable to the Division, within 90 days of the entry of a final order of any remedial action taken pursuant to Paragraph B to implement compliance with the terms of this Stipulation. Such documentation is provided pursuant to §374.190.

D. **Fees.** Golden Rule agrees to pay any reasonable fees expended by the Division in conducting its review of the documentation provided by the Company pursuant to Paragraphs B and C of this Stipulation.

E. **Voluntary Forfeiture.** Golden Rule agrees, voluntarily and knowingly, to surrender and forfeit the sum of \$5,000 such sum payable to the Missouri State School Fund, in accordance with §374.049.11 and §374.280.2.

F. **Other Penalties.** The Division agrees that it will not seek penalties against Golden Rule, other than those agreed to in this Stipulation, in connection with the above referenced market conduct investigation.

G. **Non-Admission.** Nothing in this Stipulation shall be construed as an admission by Golden Rule, this Stipulation being part of a compromise settlement to resolve disputed factual and legal allegations arising out of the above referenced market conduct investigation.

H. **Waivers.** Golden Rule, after being advised by legal counsel, does hereby voluntarily and knowingly waive any and all rights for procedural requirements, including notice and an opportunity for a hearing, and review or appeal by any trial or appellate court, which may have otherwise applied to the market conduct investigation no. 351346.

I. **Changes.** No changes to this Stipulation shall be effective unless made in writing and agreed to by representatives of the Division and Golden Rule.

J. **Governing Law.** This Stipulation shall be governed and construed in accordance with the laws of the State of Missouri.

K. **Authority.** The signatories below represent, acknowledge and warrant that they are authorized to sign this Stipulation, on behalf of the Division and Golden Rule respectively.

L. **Counterparts.** This Stipulation may be executed in multiple counterparts, each of which shall be deemed an original and all of which taken together shall constitute a single document. Execution and delivery of this Stipulation by facsimile or by an electronically transmitted signature shall be fully and legally effective and binding.

M. **Effect of Stipulation.** This Stipulation shall not become effective until entry of a Final Order by the Director of the Department (hereinafter the "Director") approving this Stipulation.

N. **Request for an Order.** The signatories below request that the Director issue an Order approving this Stipulation and ordering the relief agreed to in the Stipulation, and consent to the issuance of such Order.

DATED: 4-30-2021



Stewart Freilich  
Chief Market Conduct Examiner and Senior Counsel  
Division of Insurance Market Regulation

DATED: 4/28/2021



Patrick Carr  
President and CEO  
Golden Rule Insurance Company