



DEPARTMENT OF COMMERCE & INSURANCE

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

In Re:)
)
PHYSICIANS MUTUAL INSURANCE) Market Conduct Investigation No. 390620
COMPANY (NAIC #80578))

ORDER OF THE DIRECTOR

NOW, on this 21st day of June, 2022, Director, Chlora Lindley-Myers, after consideration and review of the Stipulation of Settlement (hereinafter “Stipulation”) entered into by the Division of Insurance Market Regulation (hereinafter “Division”), and Physicians Mutual Insurance Company (NAIC #80578) (hereinafter “Physicians”), relating to the market conduct investigation no. 390620, does hereby issue the following orders:

This order, issued pursuant to §374.046.15¹ is in the public interest.

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

IT IS FURTHER ORDERED that Physicians shall not engage in any of the violations of statutes 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.

¹ All references, unless otherwise noted, are to Revised Statutes of Missouri 2016.

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 21st day of June, 2022.



Chloria Lindley-Myers

Chloria Lindley-Myers
Director

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

In Re:)
)
 PHYSICIANS MUTUAL INSURANCE) **Market Conduct Investigation No. 390620**
 COMPANY (NAIC #80578))

STIPULATION OF SETTLEMENT

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter the “Division”), and Physicians Mutual Insurance Company (NAIC #80578) (hereinafter “Physicians”), 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, the Department has issued Physicians a certificate of authority to transact the business of insurance in the State of Missouri;

WHEREAS, the Division conducted a market conduct investigation of Physicians, investigation no. 390620;

WHEREAS, based on the market conduct investigation of Physicians the Division alleges that:

1. For multiple reporting years, Physicians failed to file its annual utilization review report along with the annual certification of compliance with the Department in violation of §§376.1359¹ and 376.1369 and 20 CSR 400-10.020.

¹ All references, unless otherwise noted, are to Missouri Revised Statutes 2016.

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

A. **Scope of Agreement.** This Stipulation of Settlement (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.** Physicians 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 and this Stipulation do not recur. Such remedial actions shall consist of the following:

1. Physicians agrees to file the Annual Utilization Review Activities report for the years 2016 to 2021, where it had fully insured in-force managed care plans in Missouri. Said filings shall be submitted through the System for Electronic Rate and Form Filings (hereinafter “SERFF”) within 30 days from the date of the Order approving this Stipulation. The SERFF filing will include the payment of the required filing fees and a statement indicating that “as a result of the Missouri market conduct investigation, the attached is being filed with the Department.”

2. To the extent not already in place, Physicians agrees to develop and adopt written policies and procedures for ensuring that the annual report of utilization review activities, as required by §376.1359 and further described in 20 CSR 400-10.020, and the certification of compliance as required by §376.1369, are timely and accurately submitted to the Department annually each year.

C. **Compliance.** Physicians agrees to file documentation pursuant to §374.190 with the Division, in a format acceptable to the Division, within 45 days of the entry of an Order approving

this Stipulation, of any remedial action taken to implement compliance with the terms of this Stipulation.

D. **Forfeiture.** The Division agrees that it will not seek forfeitures against Physicians in connection with market conduct investigation no. 390620.

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

F. **Waivers.** Physicians, after being advised by legal counsel, does hereby voluntarily and knowingly waive any and all rights to 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. 390620.

G. **Amendments.** No amendments to this Stipulation shall be effective unless made in writing and agreed to by authorized representatives of the Division and Physicians.

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

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

J. **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 by facsimile or by electronically transmitted signature shall be fully and legally effective and binding.

K. **Effective Date.** This Stipulation shall not become effective until entry of an Order by the Director approving this Stipulation.

L. **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: June 14, 2022



Teresa Kroll
Chief Market Conduct Examiner
Division of Insurance Market Regulation

DATED: June 13, 2022



David P. Woods
Vice President – Compliance Officer
Physicians Mutual Insurance Company