

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

*In Re:* )  
 )  
UNITEDHEALTHCARE INSURANCE ) **Market Conduct Investigation**  
COMPANY (NAIC #79413) ) **No. 266265**

**ORDER OF THE DIRECTOR**

NOW, on this 22<sup>nd</sup> day of December, 2020, 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 UnitedHealthcare Insurance Company (NAIC #79413) (hereinafter “UHC”), relating to the market conduct investigation no. 266265, does hereby issue the following orders:

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

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

**IT IS FURTHER ORDERED** that UHC 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.

**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 22<sup>nd</sup> day of December, 2020.



Chlora Lindley-Myers  
Chlora Lindley-Myers  
Director

<sup>1</sup> All references, unless otherwise noted, are to Missouri Revised Statutes 2016, as amended.

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

<i>In Re:</i>	)	
	)	
<b>UNITEDHEALTHCARE INSURANCE COMPANY (NAIC #79413)</b>	)	<b>Market Conduct Investigation No. 266265</b>
	)	

**STIPULATION OF SETTLEMENT**

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter, the “Division”), and UnitedHealthcare Insurance Company (NAIC #79413) (hereinafter “UHC”), 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; and

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

**WHEREAS**, the Division conducted a market conduct investigation of UHC, investigation #266265; and

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

1. UHC has declined to issue a Medicare supplement certificate to a Missouri resident, who was under the age of 50 and the spouse of an AARP member over the age of 50 enrolled in a Medicare supplement plan. The applicant, while ineligible at the time of her application under the group policy, was applying for coverage in UHC’s AARP Medicare supplement plan during her guaranteed issue period. This declination occurred in violation of 20 CSR 400-3.650(13)(A)(2) and 20 CSR 400-3.650(12)(B).
2. UHC’s “Your Guide” represents that acceptance in AARP’s Medicare Supplement

Plan is guaranteed if you are replacing your current Medicare supplement plan within 30 days of your plan's anniversary, when, in fact, at least one Missouri AARP member, as mentioned above, who was under the age of 50 and replacing her Medicare supplement plan was denied acceptance in the AARP Medicare Supplement Plan implicating the provisions of §375.936(6) (a).

**WHEREAS**, the Division and UHC 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.** UHC 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. UHC agrees to allow Missouri residents who are members of AARP aged 50 or older, and their spouses of any age, to enroll in its AARP Medicare Supplement Plans during their open enrollment and guaranteed issue periods.

2. UHC agrees to amend the group policy with AARP to allow Missouri residents of any age who are spouses of members of AARP aged 50 or older and who qualify for Medicare Supplement coverage, to purchase coverage under the group policy.

3. UHC agrees that it will continue to follow the requirements of 20 CSR 400-3.650(12)(G)2.

4. UHC agrees to amend their applications and other printed materials to accurately

reflect the eligibility requirements for Missouri residents of any age who are spouses of members of AARP aged 50 or older for enrollment in its AARP Medical Supplement Plans during the member's open enrollment and guaranteed issued period. The System for Electronic Rate and Form Filing ("SERFF") will include a statement indicating that "as a result of a Missouri market conduct investigation, the attached amended application forms, advertising and printed materials are being filed with the Department."

C. **Compliance.** UHC agrees to file documentation with the Division, in a format acceptable to the Division, within 60 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.** UHC 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. **Penalties.** The Division agrees that it will not seek penalties against UHC in connection with market conduct investigation #266265.

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

G. **Waivers.** UHC, 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 #266265.

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

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

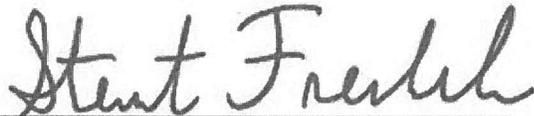
J. **Authority.** The signatories below represent, acknowledge and warrant that they are authorized to sign this Stipulation, on behalf of the Division and UHC respectively.

K. **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.

L. **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.

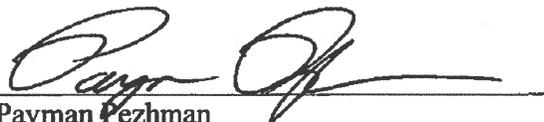
M. **Request for an Order.** The signatories below request that the Director issue an Order approving this Stipulation and ordering the relief agreed to in the Stipulation, and consent to the issuance of such Order.

DATED: 12-22-2020



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

DATED: December 10, 2020



Payman Pezhman  
General Counsel, Medicare & Retirement  
UnitedHealthcare Insurance Company