

**IN RE: UNITED HEALTHCARE
INSURANCE COMPANY**

)
) **CONSENT AGREEMENT**
) **Docket No. INS 04-207**
)

This document is a Consent Agreement, authorized by 10 M.R.S.A. § 8003(5)(B), entered into by and among United Healthcare Insurance Company (hereafter United Healthcare), the Superintendent of the Maine Bureau of Insurance (hereafter “the Superintendent”), and the Office of the Attorney General. Its purpose is to resolve, without resort to an adjudicatory proceeding, failure to respond to a Bureau inquiry within 14 days pursuant to Title 24-A M.R.S.A. § 220(2).

FACTS

1. The Superintendent is the official charged with administering and enforcing Maine’s insurance laws and regulations.
2. United Healthcare is a licensed insurance carrier in Maine, License # LHF 700.
3. Title 24-A M.R.S.A. § 220(2) provides: “*Response to inquiries. All insurers and other persons required to be licensed pursuant to this Title shall respond to all lawful inquiries of the superintendent that relate to resolution of consumer complaints involving the licensee within 14 days of receipt of the inquiry and to all other lawful inquiries of the superintendent within 30 days of receipt. If a substantive response can not in good faith be provided within the time period, the person required to respond shall so advise the superintendent and provide the reason for the inability to respond.*”
4. A United Healthcare policyholder filed a written complaint with the Bureau, complaint #2003-13894, on November 2, 2003, regarding a benefit denial.
5. On November 5, 2003 Bureau staff sent a letter to United Healthcare requesting a written response to the complaint.
6. On December 8, 2003 Bureau staff sent United Healthcare a second request for response by certified mail. United Healthcare received the second request on December 13, 2003.
7. United Healthcare responded to the policyholder’s complaint on December 24, 2003.
8. On January 2, 2004 Bureau staff sent a follow-up letter to United Healthcare by certified mail, requesting a written response within 14 days. United Healthcare received this letter on January 6, 2004.
9. As of February 18, 2004 United Healthcare had not responded to the Bureau’s January 2, 2004 letter.

CONCLUSIONS OF LAW

10. United Healthcare failed to respond to the Superintendent’s November 5, 2003 inquiry within 14 days as required by Title 24-A M.R.S.A. § 220(2).
11. United Healthcare failed to respond to the Superintendent’s January 2, 2004 inquiry within 14 days as required by Title 24-A M.R.S.A. § 220(2).

COVENANTS

- 12. A formal hearing in this matter is waived and no appeal will be made.
- 13. At the time of executing this Agreement, United Healthcare shall pay to the Maine Bureau of Insurance a penalty in the amount of Fifteen Hundred Dollars and No Cents (\$1,500.00) payable to the Treasurer of the State of Maine.
- 14. In consideration of United Healthcare's execution of and compliance with the terms of this Consent Agreement, the Superintendent agrees to forgo pursuing any disciplinary measures or other civil sanction for the specific violations described above other than those agreed to in this Consent Agreement.

MISCELLANEOUS

- 15. This Consent Agreement may only be modified by the written consent of the parties.
- 16. It is understood by the parties to this Agreement that nothing herein shall affect any rights or interests of any person not a party to this Agreement.
- 17. United Healthcare acknowledges that this Agreement is a public record within the meaning of 1 M.R.S.A. § 402, that this Agreement will be available for public inspection and copying as provided for by 1 M.R.S.A. § 408, and that this Agreement will be reported to the NAIC and included in the RIRS database.
- 18. United Healthcare has been advised of its right to consult with counsel and has, in fact, consulted with counsel before executing this Agreement.
- 19. Nothing herein shall prohibit the Superintendent from seeking an order to enforce this Agreement, or from seeking additional sanctions in the event that United Healthcare does not comply with the above terms, or in the event that the Superintendent receives evidence that further legal action is necessary.

SIGNATURE PAGE

Dated: _____, 2004

UNITED HEALTHCARE

By: _____

Its: _____

Printed Name and Title

Subscribed and sworn to before me
 this _____ day of _____, 2004.

 Notary Public

 Printed name

Date of commission expiration

Dated: _____, 2004

**MAINE OFFICE OF THE ATTORNEY
GENERAL**

Thomas C. Sturtevant, Jr.
Assistant Attorney General

MAINE BUREAU OF INSURANCE

Effective
Date: _____, 2004

Alessandro A. Iuppa
Superintendent of Insurance