



# STATE OF CONNECTICUT

INSURANCE DEPARTMENT

## Market Conduct Report

of

## Express Scripts Utilization Management Company

October 27, 2023

From June 16, 2023 through October 26, 2023, the Market Conduct Division of the Connecticut Insurance Department examined the utilization review practices of Express Scripts Utilization Management Company (the Company), using a sample period of January 1, 2021 through December 31, 2021. The examination was limited to Connecticut enrollees.

Express Scripts Utilization Management Company has its home office in the State of Missouri and is licensed as a utilization review entity in the State of Connecticut under license number 200001084. By authority granted under §38a-591 of the Connecticut General Statutes, this examination was conducted by Market Conduct examiners of the State of Connecticut Insurance Department (the Department) at the Department's offices in Hartford, Connecticut.

The purpose of the examination was to evaluate the Company's utilization review practices in the State of Connecticut. From a listing of utilization reviews performed by the Company, the examiners reviewed one hundred twenty-six (126) sample files, which included complaints and approved and denied certifications during the examination period.

The Department's findings are as follows:

- The examiners verified that sixty (60) determinations not to certify care failed to provide the clinical criteria from the web link to such rule, guideline, protocol or other similar criterion of such health carrier's Internet web site in order to access the clinical criteria online.
- The examiners verified that sixty (60) determinations not to certify care were issued with a template letter that failed to be submitted for review by the entity licensed by the Insurance Commissioner.
- The examiners verified that fifty-eight (58) determinations to certify care were issued with a template letter that failed to be submitted for review by the entity licensed by the Insurance Commissioner.

It is recommended that the Company review its policies and procedures to ensure that the clinical criteria is available for review on the of such health carrier's Internet web site in determinations not to certify care and not to include determination letters that are not approved by the Insurance Commissioner, as required by statute.

[www.ct.gov/cid](http://www.ct.gov/cid)

P.O. Box 816 Hartford, CT 06142-0816

Affirmative Action/Equal Employment Opportunity Employer

It is further recommended that the Company be properly referenced on all determination letters as the licensed entity performing the review.



# STATE OF CONNECTICUT

## INSURANCE DEPARTMENT

-----X  
IN THE MATTER OF : DOCKET MC 23-100  
Express Scripts Utilization Management Company :  
-----X

### STIPULATION AND CONSENT ORDER

It is hereby stipulated and agreed between Express Scripts Utilization Management Company and the State of Connecticut Insurance Department by and through Andrew N. Mais, Insurance Commissioner ("Insurance Commissioner") to wit:

#### I

WHEREAS, pursuant to a market conduct examination, the Insurance Commissioner alleges the following with respect to Express Scripts Utilization Management Company:

1. Express Scripts Utilization Management Company, hereinafter referred to as Respondent, is domiciled in the State of Missouri and is licensed to transact the business of a utilization review entity in the State of Connecticut under license number 200001084.
2. From June 16, 2023 through October 26, 2023, the Department conducted an examination of Respondent's utilization review practices in the State of Connecticut covering the period from January 1, 2021 through December 31, 2021.
3. During the period under examination, Respondent failed to establish practices and procedures to ensure compliance in all instances with statutory requirements for:
  - a. providing a reference to access the clinical criteria online.
  - b. using a determination letter of the entity licensed by the Insurance Commissioner.
4. The conduct as described above violates §38a-591b and §38a-591d of the Connecticut General Statutes, and §38a-591-8 of the Regulations of Connecticut State Agencies and constitutes cause for the imposition of a fine or other administrative penalty under §38a-591k of the Connecticut General Statutes.

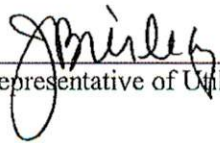
II

1. WHEREAS, Respondent admits to the allegations contained in paragraphs three and four of Article I of this Stipulation; and
2. WHEREAS, Respondent agrees to review its utilization review practices and procedures and correct those identified as concerns during the market conduct examination, as described in the Examination of Utilization Review Practices Report and this Stipulation, and bring them into immediate compliance with Connecticut Statutes; and
3. WHEREAS, Respondent agrees to provide the Insurance Commissioner with a full report of finding and a summary of actions taken to comply with the requirements of paragraph two of this section within ninety (90) days of the date of this document; and
4. WHEREAS, Respondent, being desirous of terminating this proceeding without the necessity of a formal proceeding or further litigation, does consent to the making of this Final Order and voluntarily waives:
  - a. any right to a hearing; and
  - b. any requirement that the Insurance Commissioner's decision contain a statement of findings of fact and conclusion of law; and
  - c. any and all rights to object to or challenge before the Insurance Commissioner or in any judicial proceeding any aspect, provision or requirement of this Stipulation
5. WHEREAS, Respondent agrees to pay a fine in the amount of \$5,000.00 for the violations described herein.

NOW THEREFORE, upon the consent of the parties, it is hereby ordered and adjudged:

1. That the Insurance Commissioner has jurisdiction of the subject matter of this administrative proceeding.
2. That Respondent is fined the sum of Five Thousand Dollars (\$5,000.00) for the violations herein above described.

EXPRESS SCRIPTS UTILIZATION MANAGEMENT COMPANY

BY:   
(Representative of Utilization Review Entity)



CERTIFICATION

The undersigned deposes and says that he/she has duly executed this Stipulation and Consent Order on this 12<sup>th</sup> day of December 2023 for and on behalf of Express Scripts Utilization Management Company that he/she is the Vice President of such company, and he/she has authority to execute and file such instrument.

BY: J Bierling

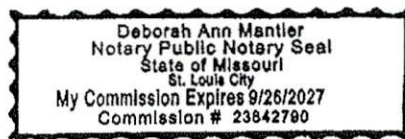
State of Missouri

County of St. Louis

Personally appeared on this 12<sup>th</sup> day of December 2023,

Jennifer Bierling signer and sealer of the foregoing Stipulation and Consent Order, acknowledged same to be his/her free act and deed before me.

Deborah Ann Mantler  
Notary Public/Commissioner of the Superior Court



*Section Below To Be Completed by State of Connecticut Insurance Department*

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Dated at Hartford, Connecticut this 22nd day of December 2023.

Andrew N. Mais  
Insurance Commissioner