



STATE OF CONNECTICUT

INSURANCE DEPARTMENT

Market Conduct Report **of** **Evernorth Behavioral Health, Inc.** **August 29, 2023**

From July 17, 2023 through August 14, 2023, the Market Conduct Division of the Connecticut Insurance Department examined the utilization review practices of Evernorth Behavioral Health, Inc. (the Company), using a sample period of February 1, 2021 through December 31, 2021. The examination was limited to Connecticut enrollees.

Evernorth Behavioral Health, Inc. has its home office in the State of Minnesota and is licensed as a utilization review entity in the State of Connecticut under license number 2424753. 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 nine (109) sample files, which included approved, denied and appeal certifications during the examination period.

The Department's findings are as follows:

- The examiners verified that one (1) appeal determination was not made within the required 30 days of the receipt of the request for review, upon the receipt of all information reasonably required to make appeal determinations.

It is recommended that the Company review its policies and procedures to ensure that appeal determinations are made within the 30 day requirement, as required by statute.



STATE OF CONNECTICUT

INSURANCE DEPARTMENT

-----X
 IN THE MATTER OF : DOCKET MC 23-78
 Evernorth Behavioral Health, Inc. :
 -----X

STIPULATION AND CONSENT ORDER

It is hereby stipulated and agreed between Evernorth Behavioral Health, Inc. 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 Evernorth Behavioral Health, Inc.:

1. Evernorth Behavioral Health, Inc., hereinafter referred to as Respondent, is domiciled in the State of Minnesota and is licensed to transact the business of a utilization review entity in the State of Connecticut under license number 2424753.
2. From July 17, 2023 through August August 14, 2023, the Department conducted an examination of Respondent’s utilization review practices in the State of Connecticut covering the period from February 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. notification of a determination not to certify care, admission or procedure within 30 days of the receipt of the request for review, upon the receipt of all information reasonably required to make appeal determinations.
4. The conduct as described above violates §38a-591b and §38a-591d of the Connecticut General Statutes, and §38a-591-7 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 \$2,000.00 for the violations described herein.

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

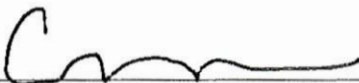
1. That the Insurance Commissioner has jurisdiction of the subject matter of this administrative proceeding.
2. That Respondent is fined the sum of Two Thousand Dollars (\$2,000.00) for the violations herein above described.

EVERNORTH BEHAVIORAL HEALTH, INC.

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 31 day of October 2023 for and on behalf of Evernorth Behavioral Health, Inc. that he/she is the President of such company, and he/she has authority to execute and file such instrument.

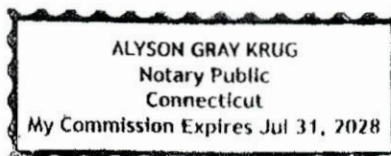
BY: 

State of Connecticut

County of Hartford


Personally appeared on this 31 day of October 2023,
Eva Borden signer and sealer of the foregoing Stipulation and Consent Order, acknowledged same to be his/her free act and deed before me.


Notary Public/Commissioner of the Superior Court



Section Below To Be Completed by State of Connecticut Insurance Department

Dated at Hartford, Connecticut this 12th day of December 2023.


Andrew N. Mais
Insurance Commissioner