

STATE OF VERMONT
DEPARTMENT OF BANKING, INSURANCE, SECURITIES
AND HEALTH CARE ADMINISTRATION

In the Matter of:)	
)	
UNITED HEALTH GROUP,)	Dkt H-09-063
)	
Respondent)	

STIPULATION AND CONSENT ORDER

NOW COME the Department of Banking, Insurance, Securities and Health Care Administration of the State of Vermont (“Department”), Division of Health Care Administration (“Division”) and UnitedHealth Group (misnamed as “United Health Group”) and its affiliates, collectively “Respondent” and hereby stipulate and agree as follows:

WHEREAS, pursuant to the authority in 18 V.S.A. §9410(g) and Regulation H-2008-001, the Commissioner of the Department is charged with administering and enforcing the laws of the State of Vermont relating to the data reporting obligations of the Vermont Health Care Claims Uniform Reporting and Evaluation System (“VHCURES”); and

WHEREAS, the Division filed administrative charges against Respondent alleging that in violation of 18 V.S.A. §9410 and Regulation H-2008-01 Respondent failed to fully and/or timely submit required health care claims data, eligibility data, provider files and other information relating to health care services provided to Vermont residents; and

WHEREAS being advised of its hearing rights pursuant to Department regulation and Vermont Administrative Procedures Act, 3 V.S.A. §800 et seq. Respondent is desirous of resolving this Administrative Action without further cost or expense; and

WHEREAS, the Division acknowledges that, subsequent to the filing of administrative charges, Respondent has taken sufficient and significant steps to comply with the data submission requirements of Regulation H-2008-01 and has cured the deficiencies alleged in the Petition, all to the satisfaction of the Division; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Division and Respondent stipulate and agree as follows:

1. Respondent acknowledges the jurisdiction of the Department and consents to entry of this Stipulation and Consent Order in order to fully resolve the allegations of the Administrative Charges.

2. Respondent shall pay an administrative penalty of Forty Five Thousand (\$45,000) Dollars plus Five Thousand Dollars (\$5,000) in costs, such amounts to be payable within thirty (30) days of the execution this Stipulation and Consent Order.

3. The Division agrees it will seek no further fine, sanction, punishment or other consequence with respect to Respondent's (and/or any of its agents, subsidiaries, divisions, departments, business lines, products or other representatives) alleged past failure to comply with Regulation H-2008-01 reporting and data submission requirements up to and including to the date of full execution of this Consent Order. Respondent acknowledges that the Division will not be precluded in any manner from seeking to subject Respondent to further sanction or administrative enforcement proceeding for any alleged future violation of Vermont law and regulations.

4. The parties agree that this settlement is a compromise of a disputed claim against Respondent and agree that the payment provided for herein is not to be construed as an admission of any fault or liability with respect to the disputed claim. Failure to tender both costs and penalty within the time provided, however, shall render this stipulation voidable at the election of the Division and allow for reinstatement of administrative proceedings by the Division.

5. Respondent acknowledges and agrees that this Stipulation is entered freely and voluntarily and that, except as set forth herein, no promise was made to induce Respondent to enter into this Stipulation. Respondent acknowledges that it is and has been represented by counsel in this matter and, understanding that it is entitled to a hearing before the Commissioner or her designee, hereby voluntarily waives those rights. Respondent further knowingly and voluntarily waives any right it may have to judicial review by any court of these matters by way of suit, appeal or extraordinary relief resulting from entry of this Stipulation and Consent Order.

6. Respondent consents to the entry of this Order and agrees to be fully bound by its terms and conditions. Respondent further acknowledges that the Commissioner retains jurisdiction over this matter for the purpose of enforcing this Order.

7. This Stipulation and Consent Order shall be governed by and construed under the law of the State of Vermont.

8. Each of the parties signing below represents that s/he has full authority to bind the entity on behalf of which s/he signs.

AGREED AND ACCEPTED:

Health Care Administration Division,
Vermont Department of Banking, Insurance,
Securities and Health Care Administration

BY: Christine M. Oliver Date: 3/8/10
Christine Oliver, Deputy Commissioner

UnitedHealth Group

BY: Thomas Paul Date: 2-26-2010
Thomas Paul, Ovations, Chief Operating Officer

SO ORDERED:

Dated at Montpelier, Vermont this 8 day of ^{MARCH}~~February~~, 2010.

Paulette J. Thabault
PAULETTE J. THABAULT, Commissioner
Vermont Department of Banking, Insurance, Securities
and Health Care Administration