

**BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF DELAWARE**

IN THE MATTER OF:

AETNA HEALTH INC., PA

NAIC #95109

DOCKET NO. 4374

STIPULATION AND CONSENT ORDER

THIS STIPULATION AND CONSENT ORDER is entered into as of

October 29, 2020, by and between Aetna Health Inc., PA ("the

Respondent") and the State of Delaware Department of Insurance ("the Department").

Respondent and the Department are collectively referred to herein as the "Parties."

WHEREAS, Respondent is a health organization incorporated under Pennsylvania law and authorized to conduct the business of insurance in the State of Delaware; and

WHEREAS, the Department, through its examiners, conducted a target market conduct examination ("Examination") of Respondent's affairs and practices as of April 30, 2018; and

WHEREAS, the Department, through its examiners, prepared and provided to Respondent for review and comments draft versions of a report of the Examination; and

WHEREAS, Respondent has reviewed and commented on such draft versions of the report of the Examination; and

WHEREAS, after considering Respondent's comments, the Department, through its examiners, has prepared a final report of the Examination, dated as of April 30, 2018 ("Final Examination Report"); and

WHEREAS, among other findings contained in the Final Examination Report, the Department concluded that the Respondent's practices and procedures did not comply with:

- 18 Del. C. § 2304(16)(b) Unfair claim settlement practices;
- 18 Del. C. § 2304(16)(n) Unfair claim settlement practices;
- 18 Del. C. § 2712(a) Filing, approval of forms;
- 18 Del. C. § 2304(17) Failure to maintain complaint handling procedures;
- 18 Del. C. § 332(c)(4) Prompt response to written grievances;
- 18 Del. C. § 332(c)(7) Written notice of decisions;
- 18 Del. C. § 332(c)(5) Speedy review of grievances;
- 18 Del. Admin. C. § 1313-3.0 Notice;
- 18 Del. C. § 2304(16)(f) Unfair claim settlement practices;
- 18 Del. Admin. C. § 902-1.2.1.3 Authority for Regulation; Basis for Regulation;
- 18 Del. Admin. C. § 902-1.2.1.5 Authority for Regulation; Basis for Regulation;
- 18 Del. Admin. C. § 1310-6.1.1 Processing of Clean Claim;
- 18 Del. Admin. C. § 1310-6.2 Processing of Clean Claim;
- 18 Del. Admin. C. § 1310-6.1.3 Processing of Clean Claim;
- 18 Del. C. § 3343(b)(1)(b) Insurance coverage for serious mental illness (the "Violations"); and

WHEREAS, after communications with the Department, Respondent desires to resolve this matter without recourse to any administrative hearing or court action (such as an appeal). **NOW, THEREFORE, IT IS AGREED**, by and between Respondent and the Department as follows:

1. Respondent accepts the Final Examination Report, waives any right to a hearing thereon, and agrees that the Department may file the Final Examination Report without any further modifications.

2. Upon its execution of this Stipulation and Consent Order, Respondent shall pay to the Department an administrative penalty for the Violations in the amount of Two Hundred and Ninety-Eight Thousand Dollars (\$298,000.00.) Respondent shall make its check for the administrative penalty payable to the "State of Delaware."

3. Respondent waives any right to challenge in an administrative or court proceeding any of the terms and conditions of this Stipulation and Consent Order.

4. This Stipulation and Consent Order is the free and voluntary act of Respondent, and its terms are binding upon Respondent and may be admitted into evidence in any judicial or administrative proceeding against Respondent to enforce such terms. Respondent acknowledges that it has had a full opportunity to seek and receive advice of counsel on all matters related to this Stipulation and Consent Order.

5. This Stipulation and Consent Order contains all terms and conditions agreed to by the parties and constitutes the final agreement between Respondent and the Department.

6. No change, amendment, or modification hereto shall be effective or binding unless it is in writing, dated, and signed by the parties.

7. If the Department fails to act on any one or more defaults by Respondent, such failure to act shall not be a waiver of any rights hereunder on the part of the Department to declare Respondent in default and to take such action as may be permitted by this Stipulation and Consent Order or by law.

8. This Stipulation and Consent Order may be signed in duplicate, and both documents shall be considered originals. The person executing this Stipulation and Consent Order on behalf of Respondent shall acknowledge his or her signature before a Notary Public and, by executing this Stipulation and Consent Order, certifies that he or she is duly authorized to execute this

Stipulation and Consent Order on behalf of Respondent. Respondent agrees that an uncertified copy of this Stipulation and Consent Order shall be valid as evidence in any proceeding for purposes of enforcement.

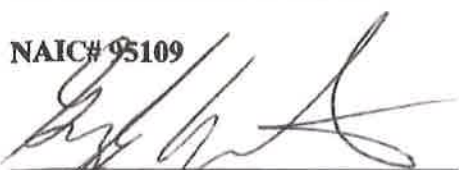
9. This Stipulation and Consent Order shall survive Respondent and be enforceable against its successors, transferors, or assigns.

[Signature Page Follows]

AETNA HEALTH INC., PA

DELAWARE INSURANCE DEPARTMENT

NAIC# 95109


Print Name: Gregory Martino
Title: Vice President
Date: 10/20/2020


TRINIDAD NAVARRO
Insurance Commissioner
Date: 10/29/20

Witness to Respondent's Signature

Name:

Title:

Date:

STATE OF pa)
COUNTY OF dauphin) SS.

The foregoing instrument was acknowledged before me this 20 day of Oct, 2020,
by Gregory Martino who is personally known to me or who has produced
pa id. as identification, and who certified that he or she is duly authorized to
execute this document on behalf of Respondent.

GIVEN under my Hand and Seal of office, the day and year aforesaid.


NOTARY PUBLIC

Jennifer Quinde
PRINT NAME

06/19/2023
MY COMMISSION EXPIRES

Commonwealth of Pennsylvania - Notary Seal
JENNIFER QUINDE, Notary Public
Dauphin County
My Commission Expires June 19, 2023
Commission Number 1291530