

BEFORE THE MARYLAND INSURANCE ADMINISTRATION

MARYLAND INSURANCE ADMINISTRATION \*  
200 ST. PAUL PLACE, SUITE 2700 \*  
BALTIMORE, MARYLAND 21202 \*

vs. \*

AETNA LIFE INSURANCE COMPANY \*  
151 FARMINGTON AVE \*  
HARTFORD, CT 06156 \*

NAIC# 60054 \*

CASE NO: MIA-2021-03-027

\*\*\*\*\*

CONSENT ORDER

This Consent Order is entered into by the Maryland Insurance Commissioner and AETNA LIFE INSURANCE COMPANY ("ALIC" or "Respondent") pursuant to §§ 2-108, 2-204, and 4-113 of the Insurance Article, Maryland Code Annotated, to resolve the matter before the Maryland Insurance Administration ("Administration").

I. RELEVANT REGULATORY FRAMEWORK

1. Each insurer that uses provider panels for health benefit plans offered in the State must assure that its provider panels meet certain adequacy standards. On July 1 of each year each insurer is required to file a report with the Administration demonstrating the insurer's compliance with those standards.

2. Section 15-112 of the Insurance Article provides, in pertinent part:

(a) (1) In this section the following words have the meanings indicated.

\* \* \*

(5) (i) "Carrier" means:

\* \* \*

1. an insurer;

(b) (1) Subject to paragraph (3) of this subsection, a carrier that uses a provider panel shall:

- (i) if the carrier is an insurer, nonprofit health service plan, health maintenance organization, or dental plan organization, maintain standards in accordance with regulations adopted by the Commissioner for availability of health care providers to meet the health care needs of enrollees;

\* \* \*

(c) (1) This subsection applies to a carrier that:

- (i) is an insurer, a nonprofit health service plan, or a health maintenance organization; and
  - (ii) uses a provider panel for a health benefit plan offered by the carrier.
- (2) (i) On or before July 1, 2018, and annually thereafter, a carrier shall file with the Commissioner for review by the Commissioner an access plan that meets the requirements of subsection (b) of this section and any regulations adopted by the Commissioner under subsections (b) and (d) of this section.

3. The regulations referenced in § 15-112(c)(2)(i) of the Insurance Article are set forth in COMAR 31.10.44.

4. The network adequacy standards are set forth in COMAR 31.10.44.04 - .06 and consist of travel distance standards (COMAR 31.10.44.04), appointment waiting time standards (COMAR 31.10.44.05), and provider-to-enrollee ratio standards (COMAR 31.10.44.06) (collectively, the "Standards").

5. The access plan content and filing requirements are set forth in COMAR 31.10.44.03, which provides, in pertinent part:

.03 Filing of Access Plan.

C. Each annual access plan filed with the Commissioner shall include:

- (1) An executive summary in the form set forth in Regulation .09 of this chapter;
- (2) The information and process required by Insurance Article, §15-112(c)(4), Annotated Code of Maryland,

and the methods used by the carrier to comply with the monitoring requirement under §15-112(c)(5);

(3) Documentation justifying to the Commissioner how the access plan meets each network sufficiency standard set forth in Regulations .04—.06 of this chapter; and

(4) A list of all changes made to the access plan filed the previous year.

6. COMAR 31.10.44.07 allows a carrier to apply for a temporary waiver from compliance with one or more of the Standards provided that certain criteria are met.

## II. FINDINGS

7. ALIC holds a Certificate of Authority to act as an insurer in the State and uses provider panels for health benefit plans offered in the State. As such, it is subject to § 15-112 of the Insurance Article and the network adequacy standards set forth in COMAR 31.10.44.04 - .06. In addition, ALIC is required to file a network adequacy plan in accordance with COMAR 31.10.44.03.

8. On July 1, 2019, Aetna Health Inc. ("AHI") submitted a Network Adequacy Plan (the "AHI 2019 Access Plan") to the Administration on behalf of ALIC.

9. On July 16, 2019, the Administration reached out to AHI requesting additional information and clarification of the original information provided in the AHI 2019 Access Plan.

10. On July 29, 2019, AHI submitted additional information.

11. On January 30, 2020, the Administration sent a letter to AHI requesting additional information and documentation necessary for the Administration to evaluate whether ALIC was in compliance with the Standards.

12. On March 24, 2020, AHI submitted additional information and documentation on behalf of ALIC. The information included a revised executive

summary form and several proprietary and confidential items, including the process for monitoring and ensuring the sufficiency of the network to meet the health care needs of enrollees, the criteria used to select providers for participation in the network, and a narrative description of outreach efforts to determine the availability of practitioners for recruitment in areas where enrollees are without the desired access in one or more of the urban, suburban, and rural counties.

13. On December 30, 2020, the Administration reached out to AHI and requested additional information.

14. On January 11, 2021, AHI submitted the additional information on behalf of ALIC, which contained the proprietary and confidential detailed network analysis methodology ALIC used to measure and assess its performance in meeting the network adequacy standards.

**A. The Access Plan-Travel Distance Standards**

15. The data submitted by ALIC in connection with the AHI 2019 Access Plan failed to demonstrate compliance with the Travel Distance Standards.

16. COMAR 31.10.44.04 provides, in pertinent part:

.04 Travel Distance Standards

A. Sufficiency Standards.

(1) Except as stated in §B of this regulation, each provider panel of a carrier shall have within the geographic area served by the carrier's network or networks, sufficient primary care physicians, specialty providers, behavioral health and substance use disorder providers, hospitals, and health care facilities to meet the maximum travel distance standards listed in the chart in §A(5) of this regulation for each type of geographic area. The distances listed in §A(5) of this regulation shall be measured from the enrollee's place of residence.

(2) When an enrollee elects to utilize a gynecologist, pediatrician, or certified registered nurse practitioner for primary care, a carrier may consider that utilization as a part of its meeting the primary care provider standards listed in §A(5) of this regulation.

\* \* \*

(5) Chart of Travel Distance Standards.

	Urban Area Maximum Distance (miles)	Suburban Area Maximum Distance (miles)	Rural Area Maximum Distance Miles
<b>Provider Type:</b>			

\* \* \*

Primary Care Provider	5	10	30
Pediatrics	5	10	30
Allergy and Immunology	15	30	75
Applied Behavioral Analyst	15	30	60
Dermatology	10	30	60
ENT/Otolaryngolog y	15	30	75

\* \* \*

Gynecology, OB/GYN	5	10	30
Gynecology Only	15	30	75
Oncology- Medical and Surgical	10	20	60
Ophthalmology	10	20	60
Urology	10	30	60

\* \* \*

<b>Facility Type:</b>			
Diagnostic Radiology	10	30	60
Outpatient Infusion/Chemotherapy	10	30	60

\* \* \*

Skilled Nursing Facilities	10	30	60
Surgical Services (Outpatient or Ambulatory Surgical Center)	10	30	60
Inpatient Psychiatric Facility	15	45	75
Other Behavioral Health/Substance Abuse Facilities	10	25	60

17. COMAR 31.10.44.09 provides, in pertinent part:

.09 Network Adequacy Access Plan Executive Summary Form

A. For each provider panel used by a carrier for a health benefit plan, the carrier shall provide the network sufficiency results for the health benefit plan service area as follows:

(1) Travel Distance Standards

\* \* \*

(b) List the total number of certified registered nurse practitioners counted as a primary care provider.

(c) List the total percentage of primary care providers who are certified registered nurse practitioners.

18. The data self-reported by ALIC disclosed the following deficiencies based on distance of a provider to an enrollee's address:

- (a) Primary Care Providers met the required standard for 99.9% of suburban enrollees, leaving 12 enrollees outside of the travel distance standard of ten miles in one zip code, 20625.
- (b) Pediatric providers met the required standard for 99.6% of urban enrollees, leaving 11 members outside the travel distance standard of five miles in one zip code, 20714. The standard was met for 99.8% of suburban enrollees, leaving 8 members outside the travel distance standard of ten miles in three zip codes.

Suburban Zip Codes

- i. 1 member in zip code 21913
  - ii. 3 members in zip code 20625
  - iii. 4 members in zip code 21716
- (c) Allergy and immunology providers met the required standard for 99.9% of suburban enrollees, leaving 5 members outside the travel distance standard of thirty miles in one zip code, 21842.
- (d) Applied behavioral analyst providers met the required standard for 99.9% of urban enrollees, leaving 6 members outside the travel distance standard of fifteen miles in one zip code, 21767. The standard was met for 99.7% of suburban enrollees, leaving 52 members outside the travel distance standard of thirty miles. The standard was met for 98.1% of rural enrollees, leaving 224 members outside the travel distance standard of sixty miles.

### Suburban Zip Codes

- i. 19 members in zip code 21826
- ii. 31 members in zip code 21842
- iii. 2 members in zip code 21843

### Rural Zip Codes

- i. 1 member in zip code 21520
- ii. 85 members in zip code 21811
- iii. 1 member in zip code 21522
- iv. 34 members in zip code 21502
- v. 2 members in zip code 21505
- vi. 4 members in zip code 21529
- vii. 3 members in zip code 21530
- viii. 6 members in zip code 21531
- ix. 25 members in zip code 21532
- x. 2 members in zip code 21829
- xi. 2 members in zip code 21536
- xii. 5 members in zip code 21539
- xiii. 2 members in zip code 21541
- xiv. 1 member in zip code 21543
- xv. 3 members in zip code 21545
- xvi. 23 members in zip code 21550
- xvii. 2 members in zip code 21555
- xviii. 2 members in zip code 21851
- xix. 1 member in zip code 21557



xx. 10 members in zip code 21863

xxi. 10 members in zip code 21561

- (e) Dermatology providers met the required standard for 99.8% of urban enrollees, leaving 29 members outside the travel distance standard of ten miles in one zip code, 20714.
- (f) ENT/Otolaryngology providers met the required standard for 99.9% of suburban enrollees, leaving 12 members outside the travel distance standard of thirty miles in one zip code, 21842.
- (g) Gynecology, OB/GYN providers met the required standard for 99.8% of urban enrollees, leaving 20 members outside the travel distance standard of five miles in one zip code, 20714. The standard was met for 99.8% of suburban enrollees, leaving 17 members outside the travel distance standard of ten miles in two zip codes.

Suburban Zip Codes

i. 4 members in zip code 20625

ii. 13 members in zip code 21716

- (h) Gynecology Only providers met the required standard for 99.9% of suburban enrollees, leaving 2 members outside the travel distance standard of thirty miles in one zip code, 21842.
- (i) Oncology-Medical and Surgical providers met the required standard for 99.7% of urban enrollees, leaving 48 members outside the travel distance standard of ten miles in one zip code, 20714.

- (j) Ophthalmology providers met the required standard for 99.7% of urban enrollees, leaving 48 members outside the travel distance standard of ten miles in one zip code, 20714.
- (k) Urology providers met the required standard for 99.7% of urban enrollees, leaving 48 members outside the travel distance standard of ten miles in one zip code, 20714. The standard was met for 98.9% of rural enrollees, leaving 148 members outside the travel distance standard of sixty miles.

Rural Zip Codes

- i. 14 members in zip code 21502
- ii. 26 members in zip code 21532
- iii. 5 members in zip code 21539
- iv. 3 members in zip code 21545
- v. 2 members in zip code 21557
- vi. 2 members in zip code 21562
- vii. 2 members in zip code 21520
- viii. 1 member in zip code 21522
- ix. 9 members in zip code 21531
- x. 6 members in zip code 21532
- xi. 25 members in zip code 21536
- xii. 3 members in zip code 21539
- xiii. 9 members in zip code 21541
- xiv. 32 members in zip code 21550
- xv. 8 members in zip code 21561

- xvi. 1 member in zip code 21562
- (l) Diagnostic radiology facility providers met the required standard for 99.7% of urban enrollees, leaving 48 members outside the travel distance standard of ten miles in one zip code, 20714.
- (m) Outpatient infusion/chemotherapy facility providers meet the required standard for 0% of urban enrollees, leaving 18,344 urban enrollees outside the travel distance standard of ten miles. The standard was met for 17.4% of suburban enrollees, leaving 14,865 members outside the travel distance standard of thirty miles. The standard was met for 61.6% of rural enrollees leaving 5,410 enrollees outside the travel distance standard of sixty miles.

Urban Zip Codes

Ann Arundel County

- i. 8 members in zip code 20714
- ii. 322 members in zip code 21061
- iii. 272 members in zip code 21114
- iv. 46 members in zip code 21225

Baltimore City

- v. 102 members in zip code 21201
- vi. 81 members in zip code 21202
- vii. 5 members in zip code 21203
- viii. 16 members in zip code 21205
- ix. 102 members in zip code 21206
- x. 50 members in zip code 21207

- xi. 79 members in zip code 21209
- xii. 57 members in zip code 21210
- xiii. 83 members in zip code 21211
- xiv. 134 members in zip code 21212
- xv. 46 members in zip code 21213
- xvi. 112 members in zip code 21214
- xvii. 127 members in zip code 21215
- xviii. 62 members in zip code 21216
- xix. 75 members in zip code 21217
- xx. 143 members in zip code 21218
- xxi. 13 members in zip code 21222
- xxii. 39 members in zip code 21223
- xxiii. 189 members in zip code 21224
- xxiv. 36 members in zip code 21225
- xxv. 15 members in zip code 21227
- xxvi. 1 member in zip code 21228
- xxvii. 142 members in zip code 21229
- xxviii. 211 members in zip code 21230
- xxix. 79 members in zip code 21231
- xxx. 45 members in zip code 21234
- xxxi. 1 member in zip code 21236
- xxxii. 82 members in zip code 21239

Baltimore County

- xxxiii. 9 members in zip code 21071

- xxxiv. 159 members in zip code 21133
- xxxv. 185 members in zip code 21204
- xxxvi. 27 members in zip code 21206
- xxxvii. 118 members in zip code 21207
- xxxviii. 107 members in zip code 21209
- xxxix. 11 members in zip code 21210
- xl. 42 members in zip code 21212
- xli. 6 members in zip code 21215
- xlii. 199 members in zip code 21222
- xliii. 26 members in zip code 21224
- xliv. 356 members in zip code 21227
- xlv. 380 members in zip code 21228
- xlvi. 44 members in zip code 21229
- xlvii. 255 members in zip code 21234
- xlviii. 217 members in zip code 21236
- xlix. 21 members in zip code 21239
- l. 158 members in zip code 21250
- li. 80 members in zip code 21252

Calvert county

- lii. 40 members in zip code 20714

Howard County

- liii. 416 members in zip code 21044
- liv. 346 members in zip code 21045

Montgomery County

- iv. 1 member in zip code 20787
- lvi. 2 members in zip code 20810
- lvii. 540 members in zip code 20814
- lviii. 624 members in zip code 20815
- lix. 332 members in zip code 20816
- lx. 1 member in zip code 20849
- lxi. 701 members in zip code 20850
- lxii. 159 members in zip code 20851
- lxiii. 695 members in zip code 20852
- lxiv. 242 members in zip code 20853
- lxv. 212 members in zip code 20877
- lxvi. 1 member in zip code 20884
- lxvii. 272 members in zip code 20886
- lxviii. 2 members in zip code 20889
- lix. 288 members in zip code 20895
- lxx. 17 members in zip code 20896
- lxxi. 473 members in zip code 20901
- lxxii. 545 members in zip code 20902
- lxxiii. 118 members in zip code 20903
- lxxiv. 567 members in zip code 20904
- lxxv. 528 members in zip code 20906
- lxxvi. 3 members in zip code 20907
- lxxvii. 794 members in zip code 20910

lxxviii. 358 members in zip code 20912

lxxix. 1 member in zip code 20913

lxxx. 2 members in zip code 20914

lxxxi. 6 members in zip code 20915

lxxxii. 2 members in zip code 20916

#### Prince George's County

lxxxiii. 5 members in zip code 20703

lxxxiv. 360 members in zip code 20706

lxxxv. 60 members in zip code 20710

lxxxvi. 93 members in zip code 20712

lxxxvii. 39 members in zip code 20722

lxxxviii. 1 member in zip code 20731

lxxxix. 155 members in zip code 20737

xc. 1 member in zip code 20738

xci. 251 members in zip code 20740

xcii. 1 member in zip code 20741

xciii. 6 members in zip code 20742

xciv. 447 members in zip code 20743

xcv. 358 members in zip code 20745

xcvi. 386 members in zip code 20746

xcvii. 510 members in zip code 20747

xcviii. 395 members in zip code 20748

xcix. 1 member in zip code 20750

c. 1 member in zip code 20752

- ci. 2 members in zip code 20753
- cii. 4 members in zip code 20757
- ciii. 3 members in zip code 20768
- civ. 333 members in zip code 20770
- cv. 134 members in zip code 20781
- cvi. 292 members in zip code 20782
- cvii. 225 members in zip code 20783
- cviii. 238 members in zip code 20784
- cix. 511 members in zip code 20785
- cx. 9 members in zip code 20791
- cxii. 20 members in zip code 20903
- cxiii. 3 members in zip code 20904
- cxiiii. 37 members in zip code 20912

### Suburban Zip Codes

#### Ann Arundel County

- i. 211 members in zip code 20724
- ii. 19 members in zip code 20764
- iii. 20 members in zip code 20794
- iv. 199 members in zip code 21012
- v. 248 members in zip code 21060
- vi. 183 members in zip code 21076
- vii. 114 members in zip code 21090
- viii. 203 members in zip code 21108



- ix. 360 members in zip code 21113
- x. 447 members in zip code 21122
- xi. 4 members in zip code 21123
- xii. 23 members in zip code 21140
- xiii. 322 members in zip code 21144
- xiv. 338 members in zip code 21146
- xv. 356 members in zip code 21401
- xvi. 1 member in zip code 21402
- xvii. 308 members in zip code 21403
- xviii. 168 members in zip code 21409

#### Baltimore City

- xix. 18 members in zip code 21208
- xx. 7 members in zip code 21237

#### Baltimore County

- xxi. 8 members in zip code 21022
- xxii. 2 members in zip code 21027
- xxiii. 12 members in zip code 21043
- xxiv. 310 members in zip code 21093
- xxv. 2 members in zip code 21094
- xxvi. 350 members in zip code 21117
- xxvii. 66 members in zip code 21128
- xxviii. 5 members in zip code 21139

- xxix. 214 members in zip code 21208
- xxx. 176 members in zip code 21220
- xxxi. 146 members in zip code 21221
- xxxii. 125 members in zip code 21237
- xxxiii. 174 members in zip code 21244
- xxxiv. 150 members in zip code 21286

Cecil County

- xxxv. 7 members in zip code 21913

Charles County

- xxxvi. 317 members in zip code 20602
- xxxvii. 465 members in zip code 20603
- xxxviii. 4 members in zip code 20604
- xxxix. 12 members in zip code 20625

Harford County

- xl. 233 members in zip code 21009
- xli. 314 members in zip code 21014
- xlii. 45 members in zip code 21017
- xliii. 158 members in zip code 21040

Howard County

- xliv. 341 members in zip code 20723

- xlv. 15 members in zip code 20763
- xlvi. 92 members in zip code 20794
- xlvii. 2 members in zip code 21041
- xlviii. 333 members in zip code 21042
- xlix. 437 members in zip code 21043
- l. 190 members in zip code 21046
- li. 355 members in zip code 21075
- lii. 26 members in zip code 21076

#### Montgomery County

- liii. 4 members in zip code 20707
- liv. 8 members in zip code 20812
- lv. 691 members in zip code 20817
- lvi. 37 members in zip code 20818
- lvii. 3 members in zip code 20827
- lviii. 417 members in zip code 20854
- lix. 5 members in zip code 20859
- lx. 170 members in zip code 20866
- lxi. 173 members in zip code 20905

#### Prince George's County

- lxii. 56 members in zip code 20623
- lxiii. 2 members in zip code 20704
- lxiv. 244 members in zip code 20705

- lxv. 435 members in zip code 20707
- lxvi. 255 members in zip code 20708
- lxvii. 3 members in zip code 20709
- lxviii. 282 members in zip code 20715
- lxix. 380 members in zip code 20716
- lxx. 1 member in zip code 20717
- lxxi. 12 members in zip code 20718
- lxxii. 411 members in zip code 20720
- lxxiii. 507 members in zip code 20721
- lxxiv. 5 members in zip code 20725
- lxxv. 495 members in zip code 20735
- lxxvi. 711 members in zip code 20744
- lxxvii. 1 member in zip code 20749
- lxxviii. 88 members in zip code 20769
- lxxix. 1 member in zip code 20771
- lxxx. 768 members in zip code 20774
- lxxxi. 2 members in zip code 20775
- lxxxii. 5 members in zip code 20792

Wicomico County

- lxxxiii. 25 members in zip code 21826

Worcester County

- lxxxiv. 39 members in zip code 21842

lxxxv. 3 members in zip code 21843

### Rural Zip Codes

#### Allegany County

- i. 1 member in zip code 21501
- ii. 53 members in zip code 21502
- iii. 1 member in zip code 21524
- iv. 3 members in zip code 21529
- v. 2 members in zip code 21530
- vi. 26 members in zip code 21532
- vii. 5 members in zip code 21539
- viii. 3 members in zip code 21545
- ix. 2 members in zip code 21557
- x. 2 members in zip code 21562

#### Ann Arundel County

- xi. 21 members in zip code 20711
- xii. 20 members in zip code 20733
- xiii. 29 members in zip code 20751
- xiv. 10 members in zip code 20754
- xv. 4 members in zip code 20758
- xvi. 3 members in zip code 20765
- xvii. 4 members in zip code 20776
- xviii. 16 members in zip code 20778
- xix. 9 members in zip code 20779

xx. 62 members in zip code 21037

xxi. 1 member in zip code 21106

#### Calvert County

xxii. 2 members in zip code 20610

xxiii. 7 members in zip code 20629

xxiv. 148 members in zip code 20639

xxv. 130 members in zip code 20657

xxvi. 32 members in zip code 20676

xxvii. 71 members in zip code 20678

xxviii. 56 members in zip code 20685

xxix. 7 members in zip code 20688

xxx. 23 members in zip code 20689

xxxi. 96 members in zip code 20732

xxxii. 72 members in zip code 20736

xxxiii. 68 members in zip code 20754

#### Caroline County

xxxiv. 47 members in zip code 21629

xxxv. 19 members in zip code 21632

xxxvi. 3 members in zip code 21636

xxxvii. 17 members in zip code 21639

xxxviii. 4 members in zip code 21641

xxxix. 4 members in zip code 21649

- xi. 25 members in zip code 21655
- xli. 32 members in zip code 21660

Cecil County

- xlii. 150 members in zip code 21901
- xlili. 52 members in zip code 21903
- xliv. 56 members in zip code 21904
- xliv. 75 members in zip code 21911
- xlvi. 10 members in zip code 21912
- xlvii. 4 members in zip code 21914
- xlviii. 36 members in zip code 21915
- xlix. 1 member in zip code 21916
- l. 20 members in zip code 21917
- li. 29 members in zip code 21918
- lii. 35 members in zip code 21919
- liii. 453 members in zip code 21921
- liv. 2 members in zip code 21922

Charles County

- lv. 309 members in zip code 20601
- lvi. 6 members in zip code 20611
- lvii. 20 members in zip code 20613
- lviii. 15 members in zip code 20617
- lix. 13 members in zip code 20622

- lx. 7 members in zip code 20632
- lxi. 63 members in zip code 20637
- lxii. 30 members in zip code 20640
- lxiii. 11 members in zip code 20645
- lxiv. 145 members in zip code 20646
- lxv. 6 members in zip code 20658
- lxvi. 5 members in zip code 20659
- lxvii. 27 members in zip code 20662
- lxviii. 15 members in zip code 20664
- lxix. 25 members in zip code 20675
- lxx. 23 members in zip code 20677
- lxxi. 1 member in zip code 20693
- lxxii. 189 members in zip code 20695

#### Dorchester County

- lxxiii. 43 members in zip code 21613
- lxxiv. 1 member in zip code 21626
- lxxv. 4 members in zip code 21631
- lxxvi. 4 members in zip code 21632
- lxxvii. 14 members in zip code 21643
- lxxviii. 5 members in zip code 21648
- lxxix. 1 member in zip code 21659
- lxxx. 2 members in zip code 21677
- lxxxi. 2 members in zip code 21835



## Garrett County

- lxxxii. 2 members in zip code 21520
- lxxxiii. 1 member in zip code 21522
- lxxxiv. 9 members in zip code 21531
- lxxxv. 6 members in zip code 21532
- lxxxvi. 25 members in zip code 21536
- lxxxvii. 3 members in zip code 21539
- lxxxviii. 9 members in zip code 21541
- lxxxix. 32 members in zip code 21550
- xc. 8 members in zip code 21561
- xc. 1 member in zip code 21562

## Harford County

- xcii. 152 members in zip code 21001
- xciii. 3 members in zip code 21005
- xciv. 53 members in zip code 21015
- xcv. 24 members in zip code 21028
- xcvi. 16 members in zip code 21034
- xcvii. 138 members in zip code 21078
- xcviii. 9 members in zip code 21154
- xcix. 10 members in zip code 21160

## Kent County

- c. 1 member in zip code 21610

- ci. 18 members in zip code 21620
- cii. 9 members in zip code 21635
- ciii. 7 members in zip code 21645
- civ. 2 members in zip code 21650
- cv. 4 members in zip code 21651
- cvi. 10 members in zip code 21661
- cvii. 1 member in zip code 21667
- cviii. 7 members in zip code 21678

#### Prince George's County

- cix. 12 members in zip code 20608
- cx. 94 members in zip code 20613
- cxii. 26 members in zip code 20772

#### Queen Anne's County

- cxiii. 1 member in zip code 21607
- cxiiii. 62 members in zip code 21617
- cxv. 36 members in zip code 21619
- cxvi. 7 members in zip code 21620
- cxvii. 8 members in zip code 21623
- cxviii. 3 members in zip code 21628
- cxix. 50 members in zip code 21638
- cxix. 6 members in zip code 21649
- cxx. 4 members in zip code 21651

- cxxi. 3 members in zip code 21657
- cxxii. 22 members in zip code 21658
- cxxiii. 90 members in zip code 21666
- cxxiv. 13 members in zip code 21668

#### Somerset County

- cxxv. 4 members in zip code 21817
- cxxvi. 9 members in zip code 21821
- cxxvii. 5 members in zip code 21822
- cxxviii. 1 member in zip code 21838
- cxxix. 3 members in zip code 21851
- cxxx. 17 members in zip code 21853
- cxxxi. 1 member in zip code 21871

#### St. Mary's County

- cxxxii. 1 member in zip code 20606
- cxxxiii. 6 members in zip code 20618
- cxxxiv. 90 members in zip code 20619
- cxxxv. 5 members in zip code 20620
- cxxxvi. 4 members in zip code 20621
- cxxxvii. 8 members in zip code 20622
- cxxxviii. 1 member in zip code 20624
- cxxxix. 3 members in zip code 20626
- cxl. 1 member in zip code 20627

- cxli. 2 members in zip code 20628
- cxlii. 4 members in zip code 20630
- cxliii. 74 members in zip code 20634
- cxliv. 72 members in zip code 20636
- cxlv. 55 members in zip code 20650
- cxlvi. 174 members in zip code 20653
- cxlvii. 132 members in zip code 20659
- cxlviii. 1 member in zip code 20660
- cxlix. 2 members in zip code 20667
- cl. 13 members in zip code 20670
- cli. 7 members in zip code 20674
- clii. 1 member in zip code 20680
- cliii. 8 members in zip code 20684
- cliv. 1 member in zip code 20687
- clv. 3 members in zip code 20690
- clvi. 2 members in zip code 20692

#### Talbot County

- clvii. 136 members in zip code 21601
- clviii. 5 members in zip code 21612
- clix. 19 members in zip code 21625
- clx. 6 members in zip code 21654
- clxi. 1 member in zip code 21657
- clxii. 4 members in zip code 21662

- clxiii. 11 members in zip code 21663
- clxiv. 2 members in zip code 21665
- clxv. 4 members in zip code 21671
- clxvi. 11 members in zip code 21673
- clxvii. 2 members in zip code 21676

#### Wicomico County

- clxviii. 91 members in zip code 21801
- clxix. 3 members in zip code 21802
- clxx. 108 members in zip code 21804
- clxxi. 5 members in zip code 21814
- clxxii. 6 members in zip code 21822
- clxxiii. 14 members in zip code 21830
- clxxiv. 6 members in zip code 21837
- clxxv. 10 members in zip code 21849
- clxxvi. 9 members in zip code 21850
- clxxvii. 11 members in zip code 21856
- clxxviii. 2 members in zip code 21861
- clxxix. 1 member in zip code 21865
- clxxx. 9 members in zip code 21874
- clxxxii. 31 members in zip code 21875

#### Worcester County

- clxxxii. 2 members in zip code 21804

- clxxxiii. 101 members in zip code 21811
- clxxxiv. 8 members in zip code 21813
- clxxxv. 2 members in zip code 21822
- clxxxvi. 1 member in zip code 21829
- clxxxvii. 18 members in zip code 21851
- clxxxviii. 11 members in zip code 21863
- clxxxix. 4 members in zip code 21864
- cxc. 1 member in zip code 21872

- (n) Skilled nursing facility providers met the required standard for 99.7% of urban enrollees, leaving 48 members outside the travel distance standard of ten miles in one zip code, 20714.
- (o) Surgical services (outpatient or ambulatory surgical center) facility providers met the required standard for 99.8% of urban enrollees, leaving 41 members outside the travel distance standard of ten miles in one zip code, 20714.
- (p) Inpatient psychiatric facility providers met the required standard for 98.5% of urban enrollees, leaving 263 members outside the travel distance standard of fifteen miles in one zip code, 21403.
- (q) Other behavioral health/substance abuse facility providers met the required standard for 99.8% of suburban enrollees, leaving 33 members outside the travel distance standard of twenty-five miles in two zip codes, 21842 and 21843.

17. ALIC submitted an executive summary as a part of the AHI 2019 Access Plan.

The executive summary provides that the specific number of registered nurse

practitioners counted as primary care is not included in the geo-access data and that their systems are unable to determine the percentage of registered nurse practitioners that practice as primary care.

18. The AHI 2019 Access plan has failed to include in the ALIC executive summary, the number of certified registered nurse practitioners counted as a primary care providers and the total percentage of primary care providers who are certified registered nurse practitioners.

### **B. The Access Plan-Essential Community Providers**

19. COMAR 31.10.44.04C(1) provides that each provider panel of a carrier, that is not a group model HMO provider panel, shall include at least 30 percent of the available essential community providers in each of the urban, rural, and suburban areas.

20. ALIC submitted an executive summary form as a part of the AHI 2019 Access Plan. The executive summary form states that 784 essential community providers are participating in the ALIC network, which represents 34.32% of the total essential community providers available in the ALIC service area. ALIC did not provide documentation to establish the percentages of essential community providers that are participating providers in each urban, rural, and suburban area within ALIC's service area.

21. The data submitted by ALIC in connection with the AHI 2019 Access Plan failed to demonstrate that at least 30 percent of the available essential community providers in each of the urban, rural, and suburban areas are included in the ALIC network.

**C. The Access Plan-Appointment Waiting Time Standards**

22. The data submitted by ALIC in connection with the AHI 2019 Access Plan failed to demonstrate compliance with Appointment Waiting Time Standards.

23. COMAR 31.10.44.05 states, in pertinent part:

.05 Appointment Waiting Time Standards

A. Sufficiency Standards.

(1) Subject to the exceptions in §B of this regulation, each carrier's provider panel shall meet the waiting time standards listed in §C of this regulation for at least 95 percent of the enrollees covered under health benefit plans that use that provider panel.

(2) When it is clinically appropriate and an enrollee elects to utilize a telehealth appointment, a carrier may consider that utilization as a part of its meeting the standards listed in §C of this regulation.

\* \* \*

C. Chart of Waiting Time Standards

Waiting Time Standards	
Urgent care (including medical, behavioral health, and substance use disorder services)	72 hours
Routine Primary Care	15 Calendar Days
Preventive Visit/Well Visit	30 Calendar Days
Non-Urgent Specialty Care	30 Calendar Days
Non-urgent behavioral health/substance use disorder services	10 Calendar Days



24. The data self-reported by ALIC disclosed the following deficiencies:

(a) Urgent care behavioral health/substance use disorder services met the 72-hour standard for 80% of enrollees, representing a deficiency of 15 percentage points.

(b) Non-urgent specialty care OB/GYN services met the standard of 30 calendar days for 92% of enrollees, representing a deficiency of 3 percentage points.

(c) Non-urgent behavioral health/substance use disorder services met the required standard of 10 calendar days for 89% of enrollees, representing a deficiency of 6 percentage points.

25. ALIC has acknowledged the deficiencies in its self-reported data regarding appointment waiting time standards. ALIC advised that the AHI 2019 Access Plan filing measured appointment waiting times for urgent care behavioral health/substance use disorder services against the Aetna urgent care standard of 48 hours, which is more stringent than the state standard of 72 hours. ALIC advised that the survey tool used for this measurement did not allow measurement against the 72-hour standard.

### **III. CONCLUSIONS OF LAW**

26. The Administration concludes that ALIC violated § 15-112 of the Insurance Article and COMAR 31.10.44.03C by submitting an access plan that failed to comply with the required travel distance standards and appointment waiting time standards, by failing to include in the executive summary plan form the required information regarding certified registered nurse practitioners, and by failing to demonstrate that at least 30 percent of the available essential community

providers in each of the urban, rural, and suburban areas are included in the ALIC network.

27. Section 4-113 of the Insurance Article states in pertinent part:

(b) The Commissioner may deny a certificate of authority to an applicant or, subject to the hearing provisions of Title 2 of this article, refuse to renew, suspend, or revoke a certificate of authority if the applicant or holder of the certificate of authority:

(1) violates any provision of this article other than one that provides for mandatory denial, refusal to renew, suspension, or revocation for its violation[.]

\* \* \* \*

(d) Instead of or in addition to suspending or revoking a certificate of authority, the Commissioner may:

(1) impose on the holder a penalty of not less than \$100 but not more than \$125,000 for each violation of this article[.]

### ORDER

**WHEREFORE**, for the reasons set forth above, it is **ORDERED** by the Commissioner and consented to by the Respondent:

A. That, pursuant to § 4-113 of the Insurance Article, based on consideration of COMAR 31.02.04.02, the Administration imposes an administrative penalty on ALIC of \$75,000 for the violations of § 15-112 of the Insurance Article and COMAR 31.10.44.03C identified here;

B. The obligation of ALIC to pay the aforesaid administrative penalty is hereby suspended pending the Administration's (i) review of the access plan submitted by ALIC in 2021; (ii) determination as to whether the 2021 access plan substantiates representations made by ALIC related to its intent to adjust record keeping methodologies and to improve its compliance with the Standards; and (iii) based on

such review and determination, decision on whether the administrative penalty should be paid, reduced, or rescinded.

### **OTHER PROVISIONS**

C. The executed Order and any administrative penalty shall be sent to the attention of: David Cooney, Associate Commissioner, Life and Health, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202.

D For the purposes of the Administration and for any subsequent administrative or civil proceedings concerning Respondent, whether related or unrelated to the foregoing paragraphs, and with regard to requests for information about the Respondent made under the Maryland Public Information Act, or properly made by governmental agencies, this Order will be kept and maintained in the regular course of business by the Administration. For the purposes of the business of the Administration, the records and publications of the Administration will reflect this Order.

E. The parties acknowledge that this Order resolves all matters relating to the factual assertions and agreements contained herein and are to be used solely for the purposes of this proceeding brought by or on behalf of the Administration. Nothing herein shall be deemed a waiver of the Commissioner's right to proceed in an administrative action or civil action for violations not specifically identified in this Order, including, but not limited to, specific consumer complaints received by the Administration, nor shall anything herein be deemed a waiver of the right of the Respondent to contest other proceedings by the Administration. This Order shall not be construed to resolve or preclude any potential or pending civil, administrative, or criminal action or prosecution by any other person, entity or governmental authority,

including but not limited to the Insurance Fraud Division of the Administration, regarding any conduct by the Respondent including the conduct that is the subject of this Order.

F. Respondent has had the opportunity to have this Order reviewed by legal counsel of its choosing, and is aware of the benefits gained and obligations incurred by the execution of the Order. Respondent waives any and all rights to any hearing or judicial review of this Order to which it would otherwise be entitled under the Insurance Article with respect to any of the determinations made or actions ordered by this Order.

G This Order contains the entire agreement between the parties relating to the administrative actions addressed herein. This Order supersedes any and all earlier agreements or negotiations, whether oral or written. All time frames set forth in this Order may be amended or modified only by subsequent written agreement of the parties.

H. This Order shall be effective upon signing by the Commissioner or his designee, and is a Final Order of the Commissioner under § 2-204 of the Insurance Article.

I. Failure to comply with the terms of this Order may subject Respondent to further legal and/or administrative action.

**Kathleen A. Birrane**  
**INSURANCE COMMISSIONER**

signature on original

By: David Cooney  
Associate Commissioner, Life & Health

Date: 3/26/2021

RESPONDENT'S CONSENT

RESPONDENT hereby CONSENTS to the representations made in, and to the terms of, the above Consent Order. On behalf of Respondent, the undersigned hereby affirms that he or she has taken all necessary steps to obtain the authority to bind Respondent to the obligations stated herein and does in fact have the authority to bind Respondent to the obligations stated herein.

Name: Michael Bucci

Signature: signature on original

Title: Aetna, President, Capitol Market

Date: 3/19/2021