

## **BEFORE THE DIVISION OF INSURANCE, STATE OF COLORADO**

Case File No. 268068

DOI Order No. 0-20-005

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### **FINAL AGENCY ORDER**

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In the Matter of TRINITY HEALTHSHARE, INC.

Respondent.

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This matter comes before Michael Conway, Commissioner of Insurance for the State of Colorado ("Commissioner"), pursuant to §§ 10-3-901 through 10-3-910, C.R.S., whereby the Commissioner is authorized to issue a Final Agency Order. After reviewing the Stipulation and grounds therein, and being fully advised in the premises, the Commissioner makes the following Findings and enters the Orders as hereinafter set forth:

#### **FINDINGS**

1. On August 12, 2019, the Commissioner, pursuant to §§ 10-3-901 through 10-3-910, C.R.S., issued an *Ex Parte* Emergency Cease and Desist Order against Trinity ("Order").
2. Trinity denies any wrongdoing or engaging in any activities that violate any Colorado insurance laws. By entering into the Stipulation, Trinity knowingly and voluntarily waived the right to: a hearing in this matter, the right to be represented at such hearing by counsel chosen and retained by Trinity; the right to present a defense, oral and documentary evidence and cross-examine witnesses at such hearing; the right to seek judicial review of the Stipulation and this Final Agency Order.

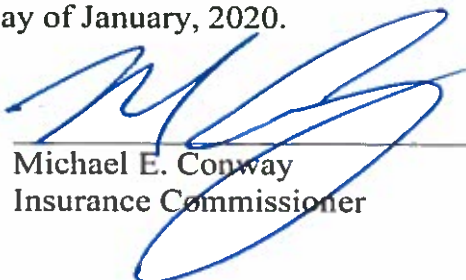
#### **ORDER**

Based upon the foregoing and the terms of the Stipulation between the Division and Trinity, it is hereby ORDERED as follows:

1. Trinity will no longer accept voluntary contributions from Colorado residents after January 31, 2020, and will not process sharing requests from Colorado members for any service rendered after January 31, 2020. Trinity may, however, continue to process sharing requests from Colorado members for services rendered to them prior to January 31, 2020.
2. The cease and desist order by the Commissioner in Paragraph twenty-nine (29) of the Order remains in effect. Notwithstanding the above, upon entry of the Commissioner's Final Agency Order approving this Stipulation Trinity shall be released of its obligation to maintain any and all existing contracts plans, policies or memberships with Colorado consumers effective January 31, 2020.

3. Trinity will withdraw its request for hearing relating to the Order.
4. Subject to Division approval, Trinity will provide a notice to all current Trinity Colorado members explaining the following:
  - a. Trinity will no longer do business with Colorado residents as of January 31, 2020;
  - b. ACA-compliant insurance is available through Connect for Health Colorado during the open enrollment period; and
  - c. The Division has opened a special enrollment period extending the open enrollment deadline 60 days, which will extend the open enrollment deadline for Trinity members from January 16, 2020 to March 16, 2020.
5. Trinity shall exercise its best efforts to have Alera itself or through its third-party administrator perform an audit of all sharing request denials (partial and whole) for adherence with the applicable member sharing agreement (“Audit”). The Audit shall relate to all Trinity’s Colorado members from Trinity’s inception until present. Trinity shall direct Alera to prepare a spreadsheet for the Division including the following information for all audited denials:
  - i. Member Name;
  - ii. Date of Service;
  - iii. Provider name;
  - iv. Provider Network Status;
  - v. Total Charge;
  - vi. Allowed Amount (per network repricing);
  - vii. Denied Amount;
  - viii. Amount Applied to MSRA;
  - ix. Total Payment made by Alera;
  - x. Total Member Responsibility;
  - xi. Original Basis for Denial; and
  - xii. Comments/Notes explaining the results of the audit and whether Alera upheld its original denial or reversed following the audit.
6. Trinity will follow up with the Division’s Lead Analyst regarding his inquiry relating to a specific Colorado Consumer.
7. The Stipulation is incorporated by reference, and all of its conditions, terms, and agreements are specifically made part of this Order as though fully set forth herein.

DONE AND ORDERED this 13th day of January, 2020.



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Michael E. Conway  
Insurance Commissioner

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **FINAL AGENCY ORDER** upon all parties herein by depositing copies of same in the United States mail, first class postage prepaid, at Denver, Colorado, this 13<sup>th</sup> day of January 2020 addressed as follows:

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*(Via Electronic Mail)*

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*Counsel for the Division of Insurance*

/s/   
For the Division of Insurance

## **BEFORE THE DIVISION OF INSURANCE, STATE OF COLORADO**

Case File No. 268068

DOI Order No. 0-20-005

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### **STIPULATION FOR ENTRY OF FINAL AGENCY ORDER**

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In the Matter of TRINITY HEALTHSHARE, INC.

Respondent.

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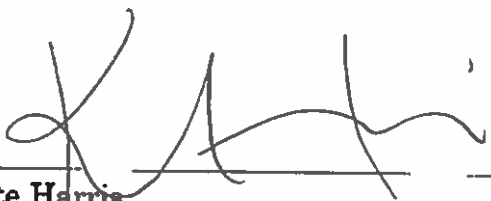
The Colorado Division of Insurance ("Division") and Trinity Healthshare Inc. ("Trinity") hereby enter into this Stipulation for Entry of Final Agency Order ("Stipulation") to resolve the matters at issue in Division file number 268068 and do hereby stipulate and agree as follows:

1. On August 12, 2019, Michael Conway, Commissioner of Insurance for the State of Colorado ("Commissioner"), pursuant to §§ 10-3-901 through 10-3-910, C.R.S., issued an *Ex Parte* Emergency Cease and Desist Order against Trinity, Order Number 0-20-005 ("Order").
2. Trinity denies the allegations in the August 12, 2019 Order against Trinity and any wrongdoing or violation of Colorado insurance laws. However, in order to avoid the uncertainty of litigation and resolve the matters at issue, the Division and Trinity agree to the following:
  - a. Trinity will no longer accept voluntary contributions from Colorado residents after January 31, 2020, and will not process sharing requests from Colorado members for any service rendered after January 31, 2020. Trinity may, however, continue to process sharing requests from Colorado members for services rendered to them prior to January 31, 2020.
  - b. Trinity agrees that the cease and desist order by the Commissioner in Paragraph twenty-nine (29) of the Order remains in effect. Notwithstanding the above, upon entry of the Commissioner's Final Agency Order approving this Stipulation, Trinity shall be released of its obligation to maintain any and all existing contracts plans, policies or memberships with Colorado consumers effective January 31, 2020.
  - c. Trinity agrees to withdraw its request for hearing relating to the Order.
  - d. Subject to Division approval, Trinity will provide a notice to all current Trinity Colorado members explaining the following:
    - i. Trinity will no longer do business with Colorado residents as of January 31, 2020;
    - ii. ACA-compliant insurance is available through Connect for Health Colorado during the open enrollment period; and

- iii. The Division has opened a special enrollment period extending the open enrollment deadline 60 days, which will extend the open enrollment deadline for Trinity members from January 16, 2020 to March 16, 2020.
        - e. Trinity shall exercise its best efforts to have Alera itself or through its third-party administrator perform an audit of all sharing request denials (partial and whole) for adherence with the applicable member sharing agreement ("Audit"). The Audit shall relate to all Trinity's Colorado members from Trinity's inception until present. Trinity shall direct Alera to prepare a spreadsheet for the Division including the following information for all audited denials:
          - i. Member Name;
          - ii. Date of Service;
          - iii. Provider name;
          - iv. Provider Network Status;
          - v. Total Charge;
          - vi. Allowed Amount (per network repricing);
          - vii. Denied Amount;
          - viii. Amount Applied to MSRA;
          - ix. Total Payment made by Alera;
          - x. Total Member Responsibility;
          - xi. Original Basis for Denial; and
          - xii. Comments/Notes explaining the results of the audit and whether Alera upheld its original denial or reversed following the audit.
        - f. Trinity will follow-up with the Division's Lead Analyst regarding his inquiry relating to a specific Colorado Consumer.
3. By entering into this Stipulation, Trinity knowingly and voluntarily waives its rights pursuant to §§ 10-3-904.6(1)-(4); and 24-4-104, 105, and 106, C.R.S., including, but not limited to the right to a hearing in this matter; the right to be represented at such hearing by counsel chosen and retained by it; the right to present a defense; to present oral and documentary evidence; to cross-examine witnesses at such hearing; and the right to seek judicial review of this Stipulation and the Final Agency Order approving this Stipulation.
4. By execution of this Stipulation and the Final Agency Order approving the Stipulation, the Division and Trinity intend to and do resolve Trinity's request for a hearing relating to the Order.
5. The Stipulation is subject to approval by the Commissioner or his designee, and shall become binding upon the parties hereto upon such approval.
6. Should the Commissioner not approve this Stipulation, each party shall retain all of its rights, claims and defenses.


7. In the event the Division takes action relating to alleged violations of this Stipulation or Final Agency Order approving this Stipulation, the Commissioner shall retain all authority provided to him under 10-3-904.6(5), C.R.S., including, but not limited to, the right to determine whether the Stipulation or Final Agency Order have been violated; the right to conduct a hearing to make such determination; and the right to impose civil penalties and restitution in accordance with 10-3-904.6(5)(a), (b), and (c), C.R.S.
8. Upon the Commissioner's entry of the Final Agency Order approving this Stipulation, this Stipulation and the Final Agency Order shall be a public record in the custody of the Division under the Colorado Public Records Act, as required by §§ 24-72-200.1, et seq., C.R.S.
9. This Stipulation and the Final Agency Order approving this Stipulation shall be reported to the National Association of Insurance Commissioners pursuant to § 10-2-803(2), C.R.S.
10. This Stipulation and Final Agency Order embody the entire agreement between the Division and Trinity, and there are no agreements, understandings, representations or warranties which are not expressly set forth herein.
11. A facsimile or other copy of this Stipulation and Final Agency Order approving this Stipulation shall be treated as an original.
12. There are four (4) pages to this Stipulation, including all signature pages.

**FOR THE COLORADO DIVISION OF INSURANCE**

  
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Kate Harris  
Chief Deputy Commissioner  
Life & Health Policy

1/2/20  
Date


**FOR TRINITY HEALTHSHARE INC.**

  
\_\_\_\_\_  
William H. Thead, III  
Chairman and CEO of Trinity Healthshare, Inc.

12-23-19  
Date

**APPROVED AS TO FORM**

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