



Aetna Life Insurance
Company
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July 29, 2020

California Department of Insurance
Market Conduct Division / Field Claims Bureau
Towanda David, MCM
Chief, Field Claims Bureau, Market Conduct Division
300 South Spring Street, 11th Floor
Los Angeles, CA 90013

Re: Field Claims Market Conduct Examination
Aetna Life Insurance Company, NAIC #60054
Comments to the Adopted Report

Dear Ms. David,

Aetna Life Insurance Company (Aetna or Company) is in receipt of the California Department of Insurance's Field Claims examination report (claims review period ending as of January 31, 2017) adopted on July 14, 2020 and received via email by Company on July 15, 2020. The Company hereby submits its comments to the Adopted Report pursuant to Section 12938(b) of the Insurance Code and requests that the Department publish our comments together with the posting of the Report.

We respectfully disagree with the Department's conclusion in the Report that the Company failed to advise certain out-of-state members of the right to an independent medical review (IMR) on letters of denials and on written grievance responses and reiterates that the Company

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generally follows the laws of the state where the policies are issued with the exception of some states where we are required to apply the laws of the states where the members reside i.e. the laws of those states govern the members' complaints, grievances and appeals. In such states, Aetna follows the members' residence state laws which provide comparable consumer protections including the right to an external review.

In addition, Aetna disagrees that our coverage of drug tests violates the federal Mental Health Parity and Addiction Equity Act (MHPAEA). We implemented our previous policy to limit a history of fraudulent practices by a small number of providers that included ordering members to complete medically unnecessary drug tests in order to engage in inappropriate billing. Notwithstanding our position and efforts to prevent fraud, Aetna has agreed to remove annual limits on drug testing for mental health and substance use disorder claims.

Finally, the impacted claims identified by the Department for timely reimbursement and interest payments issues represent less than 2.5% of the total paid population.

Aetna takes its compliance responsibilities very seriously and we act swiftly to resolve any deficiencies that are found through examinations by the Department of Insurance. We appreciate the opportunity to provide comments to the Adopted Report and wish to thank the Department for its courtesy and professionalism during the exam process.

Sincerely,

A handwritten signature in black ink that reads "Rajini Sharma". The signature is written in a cursive, flowing style.

Rajini Sharma

Counsel

cc: Kelly Hart, Compliance Lead