

March Updates – Health Insurance Advisory Council

A special thanks to the Health Care Providers and Insurers in RI.

We are extremely fortunate to live in a state that is characterized by collaboration and a dedication to problem-solving and hard work to address community health needs.

Rhode Island Parent Information Network (RIPIN) Update

- In the first 3 months of 2020 we've saved consumers \$237,000+.
- Despite the COVID-19 emergency, our RIREACH call center is still operational (working remotely), and still providing assistance to Rhode Islanders. We're doing our "normal" insurance support work, and providing targeted expertise to help individuals resolve health insurance issues caused by the COVID-19 emergency.
- We've been working to develop our response to the COVID-19 emergency, in communication with OHIC, EOHHS, and other partners. We've developed a [COVID-19 resource page \[ripin.org\]](https://ripin.org) with health insurance & education resources. We also put together a webinar, [available on YouTube \[youtu.be\]](https://youtu.be), to summarize state and federal insurance changes for consumers. We anticipate updating the webinar and offering it again on a regular basis as additional changes materialize and we have the opportunity to review.

COVID-19 Preparation Steps & Telehealth Updates

- Alongside our state and community partners, OHIC is closely monitoring COVID-19 developments in Rhode Island and working to ensure Rhode Islanders stay safe and healthy during this difficult time.
- In light of the current public health crisis, OHIC and the Rhode Island Medicaid Program have notified insurers of a new set of insurance coverage policies. The goal of these instructions is to ensure affordability, access, and continuity of care while also reducing the spread of the virus in Rhode Island.
- The instructions create a set of guidelines to remove/reduce barriers to access to services related to COVID-19, ensure coverage of COVID-19 testing and screening, and in the event a federally-approved vaccine becomes available, it requires insurers to cover the cost of immunization with no cost sharing for covered enrollees.
- These instructions will remain in effect until the State of Emergency related to COVID-19 in Rhode Island has been lifted. View the full instructions here: bit.ly/2xIvS6W
- One of the major steps OHIC has taken in regard to COVID-19 is requiring insurers to update their telemedicine policies to include telephone-only services for both primary care and behavioral health providers. Telemedicine services, which include both audio and visual services as well as telephone-only services are widely accessible to both health care providers and patients and are essential to reducing the spread of COVID-19. For the safety of Rhode Islanders, consumers may now have a brief, no-cost phone or audio-visual consultation with their primary care or behavioral health care provider, without needing to leave their homes.
- On March 18, Governor Raimondo issued an Executive Order that, following OHIC's instructions, expanded access to telemedicine services, and required OHIC to issue guidance to the state's insurers. OHIC's guidance, which further expands telemedicine and telehealth coverage requirements, was sent out to insurers on Friday, March 20.
- Both the Centers for Disease Control (CDC) and the Rhode Island Department of Health (RIDOH) have encouraged patients to call their health care providers before seeking in-person care.
- In the state's ongoing efforts to keep Rhode Islanders safe and healthy, HealthSource RI has adopted a Special Enrollment period through April 15, 2020 for uninsured Rhode Island residents. Learn more about the program here: bit.ly/2U6tpKP.
- All calls about COVID-19 should go to RIDOH: 401-222-8022

- View OHIC's [Consumer FAQ's here](#), [Provider FAQs here](#), collaboration with DBR [here](#), and the Spanish version of our FAQs [here](#).

Market Conduct Exam Update

- Earlier this month, OHIC released two additional reports from its Market Conduct Exams of the four major commercial insurers in the state. These reports measure compliance with laws and regulations relating to coverage of mental health and substance use disorder services and play a critical role in eliminating the disparities between physical and behavioral health care in our state.
- These reports involved examinations of both Neighborhood Health Plan of Rhode Island (NHPRI) and Tufts Health Plan (THP). Both insurers were found to be non-compliant in certain aspects of their process for approving coverage of behavioral health services. In September of 2018 OHIC completed its report on the state's largest insurer, Blue Cross Blue Shield of Rhode Island.
- After reviewing 154 behavioral health cases and 104 behavioral health prescription cases, OHIC's examiners found that NHPRI did not fully comply with RI and federal laws with respect to its behavioral health parity obligations and found instances where the benefit determination review process used clinically inappropriate utilization review criteria. The Commissioner ordered and NHPRI consented to the examiners' recommendations to correct the identified non-compliant practices and further ordered NHPRI to submit a proposed Plan of Correction. In lieu of penalties, NHPRI will make contributions totaling \$330,000 over the next three years to the Behavioral Health Fund created by OHIC at the Rhode Island Foundation.
- For the THP examination OHIC examiners reviewed 119 behavioral health cases and 97 behavioral health prescription cases and found that THP was challenged to provide sufficient oversight of the third-party delegate whose benefit determination review work potentially resulted in negative impacts on patients. It "did not give sufficient weight to the clinical recommendations of the attending physician," and "collected insufficient information for denial." The Commissioner ordered and THP consented to the examiners' recommendations to correct the identified non-compliant practices and agreed to a Plan of Correction. THP agreed to contribute \$150,000 to the Behavioral Health Fund in lieu of penalties.
- At the end of March, OHIC completed its fourth and final Market Conduct Exam. UnitedHealthcare Insurance Company and UnitedHealthcare of New England, Inc. (collectively "United RI") have agreed to pay a \$350,000 penalty to the state and make a \$2.85-million contribution to the Behavioral Health Fund related to several violations that potentially delayed and/or impeded patient care. For the United RI examination, OHIC reviewed 301 behavioral health cases and 183 behavioral health-related prescription drug cases from 2014 through 2016. OHIC's examiners found that United RI violated its behavioral health parity obligations under state and federal laws, including maintaining certain coverage exclusions unique to behavioral health and by applying its benefit review program to behavioral health services in a more stringent manner than was the case with physical health services.
- With the "infrastructure payment" contributions ordered and agreed to as a result of these Market Conduct Exams, a new fund was created at the RI Foundation to address the unique and added mental health and substance use disorder implications of the COVID-19 pandemic. The fund totals more than \$5 million and will help to ensure access to needed care in our state. This fund is additional to the RI Foundation BH fund created in 2018 with the Blue Cross \$5 million-over-5-years contribution which was partially committed to preventative programs during a 2019 grant solicitation process. The remaining \$2 million from that 2018 BCBSRI fund is being advanced and added to the \$2.85M from United RI, \$330,000 from NHPRI, and \$150,000 from Tufts HP to form the new COVID-19 fund which began accepting applications on April 6, 2020.

Updates: Cost Trend Project & Small Business Insurance Group

- As the Cost Trend Project moves into its next stage, the Steering Committee have unanimously agreed to adopt a plan for sustainability. During the summer of 2019, the Person Center on Healthcare committed to 18 months of continuing support for the Cost Trend Project.
- As a reminder, the Cost Trend Project's goal is to provide Rhode Island citizens with high-quality, affordable health care through greater transparency of health care performance and increased accountability by key stakeholders. The Steering Committee maintains a robust health data analytics capacity to help measure performance against the annual growth target and identify opportunities to reduce costs without adverse impact on quality and access, and they hold quarterly public meetings to review performance toward the performance of the cost growth target.
- The Small Business Group (SBIG) survey to Rhode Island small businesses is progressing as scheduled – we currently have over 300 complete surveys out of our target of 400. NORC will compile all of the data and send back the results once we reach our target, and then we will begin to plan the second phase of SBIG meetings where we use the data to discuss long-term recommendations for improving the Small Group Market in Rhode Island.
- Towards the end of phase one of the SBIG meetings, members discussed whether or not to implement the Health Insurance Tax (HIT) on a state-level. In December of 2019, the federal government spending bill repealed HIT, and many states considered implementing their own version of the tax in an effort to fund affordability programs. SBIG members collectively recommended to let the tax sunset, as a result, Governor Raimondo did not introduce a Rhode Island version of the bill and OHIC announced this month that small businesses in RI will be saving a total of \$7.5 million in health insurance premiums as a result. Without the tax, OHIC is requiring insurers to reduce their rates – the tax was estimated to add 2-3% on most fully-funded business plans.

CANCELATION: There will be NO Health Insurance Advisory Council Meeting in April: A HIAC meeting had been scheduled for Monday, April 20, 2020, but it is being canceled, with hopes that we can meet together again this Spring.