



**Michael Fine, MD, Director**

**Department of Health**  
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Providence, RI 02908-5097

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January 11, 2013

Christopher F. Koller  
Health Insurance Commissioner  
RI Health Insurance Commissioner  
1511 Pontiac Avenue, Building 69-1  
Cranston, RI 02920-4407

Christine C. Ferguson, Director  
RI Health Benefits Exchange  
State House  
Providence, RI 02903

Dear Commissioner Koller and Director Ferguson:

In consideration of the United States Department of Health and Human Services (HHS) requirements for network adequacy standards through the Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers final rule (see especially § 156.230 and § 156.235) as it relates to Qualified Health Plans (QHPs), the State of Rhode Island Department of Health (HEALTH) is adopting the network adequacy standards outlined below for all health plans offered by health insurance issuers to individuals residing in or businesses located in the State of Rhode Island (e.g., Blue Cross Blue Shield of Rhode Island, Neighborhood Health Plan of Rhode Island, Tufts Health Plan, United Healthcare) with effective dates from January 1, 2014 to December 31, 2014 (including, but not limited to, QHPs certified by the Rhode Island Health Benefits Exchange - or RIHBE).

- Issuers whose health plans comply with the network adequacy standards outlined below shall be deemed by HEALTH to be in compliance with the elements of section 6.1 of the Rules and Regulations for the Certification of Health Plans (R23-17.13-CHP) related to availability and access.
- Nothing in this guidance is intended to preclude issuers from offering health plans with limited networks.
- This guidance does not preclude RIHBE from adopting as part of its QHP certification standards additional provider network requirements of issuers beyond those listed here.
- The Director of Health may invoke additional network adequacy standards or waive standards described below in circumstances where it is determined to be in the best interest of the health and safety of the public. In making this determination, the Director shall consider the extent to which a health plan offered by an issuer includes a network of providers sufficient to ensure the availability and accessibility of covered health care services to its enrollees.

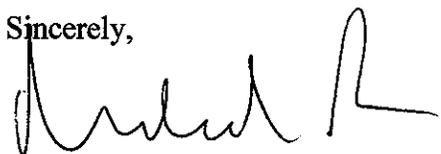
Accordingly, the network adequacy standards to be adopted by HEALTH are as follows:

- An issuer's highest enrollment product line across both the individual and small group markets, and each of the issuer's product lines offered on RIHBE, shall be accredited on the basis of local performance by an accrediting entity recognized by HHS.
- Of the primary care practices that health plans contract within each county of Rhode Island, at least 25% of these practices shall be either open at least one day per week for three (3) hours beyond the normal business hours of 9:00-5:00 for routine, wellness and sick visits, or have an agreement with another primary care practice to provide for those extended hours. These providers shall be distributed throughout the state such that the health plan's enrollees have reasonable access to the services offered by such facilities, considering the geographic distribution of the health plan's enrollees.
- Of the primary care practices that health plans contract within each county of Rhode Island, at least 10% shall offer integrated behavioral health, mental health and substance abuse services for their patients. These providers shall be distributed throughout the state such that the health plan's enrollees have reasonable access to the services offered by such facilities, considering the geographic distribution of the health plan's enrollees.
- Health plans offered by issuers shall include community health centers and community mental health centers in-network. These providers shall be distributed throughout the state such that the health plan's enrollees have reasonable access to the services offered by such facilities, considering the geographic distribution of the health plan's enrollees.
- Issuers offering health plans shall make their provider directories of each health plan offered (which include the identification of providers that are not accepting new patients) available to HEALTH and/or RIHBE (for QHPs) for publication online in accordance with guidance from HEALTH and/or RIHBE (for QHPs) and to potential enrollees in hard copy upon request.

At my request, the State of Rhode Island Office of the Health Insurance Commissioner has included an attestation of issuer compliance with HEALTH's network adequacy standards as part of its form review process and will consider including a review of issuer compliance as part of its market conduct examination process going forward.

Finally, while these network adequacy standards shall apply to all health plans offered by health insurance issuers to individuals resident in or businesses located in the State of Rhode Island with effective dates from January 1, 2014 to December 30, 2014, HEALTH views network adequacy as an issue that should be reviewed on annual basis and foresees revising the network adequacy standards as a result of this annual review as is necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Fine", with a stylized flourish at the end.

Michael Fine, MD