

State of Rhode Island Office of the Health Insurance Commissioner
Health Insurance Advisory Council
Meeting Minutes
December 18, 2018, 4:30 P.M. to 6:00 P.M.
State of Rhode Island Department of Labor and Training
1511 Pontiac Avenue, Building 73-1
Cranston, RI 02920-4407

Attendance

Members

Co-Chair Commissioner Marie Ganim, Co-Chair Stephen Boyle, Hub Brenna, David Feeney, David Katseff, Karl Brother, Sam Salganik, Lisa Tomasso (for Teresa Paiva Weed), Vivian Weisman

Issuers

Stephen Farrell, UHC
Liz McClaine, NHPRI
Gus Manocchia, BCBSRI
Shawn Donahue, BCBSRI

State of Rhode Island Office of the Health Insurance Commissioner Staff

Linda Johnson, Jay Garrett, Courtney Miner

Not in Attendance

Al Charbonneau, Ruth Feder, Deb O'Brien, Daniel Moynihan

Minutes

1. Welcome, Introductions, and Review of November Meeting Minutes

Commissioner Ganim called the meeting to order and welcomed all Health Insurance Advisory Council (HIAC) members and others in attendance. Council members and insurer representatives introduced themselves. The minutes were approved with following changes: corrected spelling of the name of Dr. James Fanale; the first sentence of the second-to-last paragraph on page 7 was amended to read: "Sam made two recommendations; access to in network behavioral health services, has been a long-term problem and should be addressed."

2. RIREACH Consumer Update

Sam Salganik updated the council – Sam participated in the launch event for the RI Behavioral Health Parity Initiative. The event was reported in the Providence Journal, including RIREACH contact information, but Sam said RIREACH did not see a huge increase in calls as a result.

Sam will be taking on the role of RIPIN Executive Director as of Dec. 31. He introduced Shamus Durac from RIPIN who was also present and indicated that Shamus may be representing RIPIN on the Council in the future.

3. OHIC Office Updates

- a. Administrative Simplification Workgroup** – Courtney Miner from OHIC provided an update on the Administrative Simplification Workgroup which recently completed a series of meetings looking at how carriers and benefit determination agencies incorporate local provider stakeholder input in their benefit review and determination procedures. This was an effort to streamline the process as oversight of benefit determination and review transitioned from RI Department of Health to OHIC in 2018. Participants in the Workgroup included consumer, insurer and provider representatives. Participants offered feedback and recommendations for OHIC to take into consideration when drafting benefit determination regulations. The Administrative Simplification Workgroup wrapped up November 30 and a full report is forthcoming which will be available on the OHIC website.

Commissioner Ganim thanked Steve DeToy of the RI Medical Society who advocated for Administrative simplification efforts in state law years ago.

- b. New Health Plan Regulations**

Jay Garret spoke on the process for OHIC's newly promulgated network plan regulations. First, OHIC had to present a cost/benefit analysis to the RI Office of Regulatory Reform. Once ORR gives their initial approval, there is a 30 day public hearing process which is posted on the Secretary of State's website. A public hearing was held September 24. OHIC took into consideration the public's comments and submitted a concise explanatory report to ORR with any changes made based on public comment. The notice of the regulations was then posted on the SoS website for another 20 days. The regulations were finalized and took effect December 16.

The new regulations include certification requirements for health care entities that participate in insurers' network plans. The regulation sets forth requirements for network adequacy, provider directories and updates, contracting, credentialing and reporting.

Jay explained that when authority over network plans transitioned to OHIC from RI DOH in January, 2018, OHIC wanted to get previously certified network plans promptly re-certified for continuity. OHIC granted provisional certifications to these network plans. With the new regulations promulgated, a more formal full certification process is in place for each network plan starting in February, 2019. Certifications are valid for 2 years. Jay said there are approximately 60-70 network plans.

Karl Brother asked if they would stagger the certifications so there isn't a massive rush of plans recertifying at the same time every two years. Jay said that this would be done and the certifications would be processed on a rolling basis.

David Katseff asked for a definition of network plans. Jay said it was any health, dental or vision plan that has a network of contracted providers.

Linda Johnson from OHIC said the new regulations focus on major components of the health plan act: quality, continuity, access, and availability. It addresses additional in-network costs to consumers such as facility fees.

4. 2019 Legislative Session Preview

Commissioner Ganim spoke on anticipated legislation in 2019 that would be of interest to OHIC and HIAC. The Market Stability Workgroup convened by OHIC and HealthSource RI recommends the implementation of a state shared responsibility requirement, similar to the Affordable Care Act's individual mandate – a requirement to have qualified health insurance coverage or pay a tax penalty. The MSW also recommended the state pursue a 1332 waiver for a reinsurance program – a 2018 bill was enacted that authorized HealthSource RI to apply for the waiver. OHIC expects legislation regarding the funding and structure of a state reinsurance program and shared responsibility requirement to be introduced in 2019. OHIC also expects legislation to be introduced requiring short-term limited duration health plans be regulated the same as individual market insurance plans to be reintroduced in 2019 – a similar 2018 bill passed the Senate but was not taken up in the House.

Commissioner Ganim also mentioned legislation to create oversight of the fiscal stability of accountable care organizations seeking to enter contracts with downside financial risk, and a bill to repeal a sunset provision in the state's PCMH law that is no longer relevant.

5. HIAC Annual Report Preview

Mark Gray previewed a draft of the 2019 HIAC Annual Report. Feedback on possible additions to the report from the council included noting OHIC's community outreach efforts, OHIC's goals for 2019, and a comparison of RI's health insurance rates to other states.

6. Public Comment

Steve Boyle commended Courtney Miner and Cheryl Del Pico for their work on the Administrative Simplification Workgroup, saying they "did great work and came up with some very good ideas."

Commissioner Ganim asked Maria Lens from the RI Attorney General's office, who was present in the gallery, to give a brief update on *Texas v. Azar*. A federal court in Texas issued a decision in this case the previous week that struck down the ACA in its entirety on the basis that the individual mandate penalty being zeroed out by the Trump Administration rendered the law unconstitutional. Maria Lenz said there was some confusion resulting from the fact that the judge's order did not tell parties what to do. The RI AG asked the court to clarify and to enter a judgment so that it can be appealed. Maria said RIAG was hoping for an expedited ruling by January 1, 2019. She said states are doing everything they can to mitigate the damage of this order.

Next Meeting:

- Tuesday, January 15, 2018 from 4:30 – 6:00 PM at the State of Rhode Island Department of Labor and Training, 1511 Pontiac Avenue, Building 73-1, Cranston, RI 02920-4407