



October 21, 2013

Meg Jones  
 Rules Coordinator  
 Office of the Insurance Commissioner  
 Insurance Building, Capitol Campus  
 Olympia, WA 98504

Dear Ms. Jones;

On behalf of the undersigned organizations, we are thankful to have the opportunity to comment on WSR 13-19-092 regarding health carriers and health plans, specifically addressing standards for network adequacy.

While each organization's viewpoint on specific recommendations may differ, together we believe the issues identified below are ripe for consideration. We share the vision that every Washington resident have access to timely, accessible and appropriate care and that Washington be a great place to receive care.

Thank you for your considering the following:

- **Adoption of specific standards for access to care:** We strongly support including in the proposed rules specific standards for maximum distance and travel times between enrollees and providers, maximum appointment wait-times, minimum requirements on customer service hours, and maximum numbers of enrollees per provider. Washington State's Medicaid managed care contract contains such types of standards, but leaves others to the managed care plans to establish. For the purpose of the draft rule, we would suggest starting with the types of standards in the Medicaid managed care contract and adding in specific standards for access to specialists, pediatric specialists, trauma care, and comprehensive cancer care. The draft rule should also require plans to provide all necessary services, including specialty care, on an out-of-network basis if the care is not available in-network, and require these out-of-network services to be provided at a cost to the enrollee that is no greater than if the services were provided in-network.
- **Maintain current requirements recognizing health plans' duty to furnish enrollees adequate provider access:** Current law properly makes it a health carrier's responsibility to ensure that it has an adequate network or make arrangements for an enrollee to receive out-of-network care at no extra costs. Any efforts to lend greater clarity to the specific requirements for network adequacy must buttress rather than undermine this overarching principle.
- **Assistance with obtaining in or out of network care:** We support the establishment of requirements for plans to provide information and assistance to enrollees to help them access providers offering the care they need. For example, when an insured individual submits a claim for

an out-of-network or non-network provider, the insurer should notify them of the network adequacy rule and offer case management to assist them to obtain the service at the in-network rate. Health plans must also have a clearly defined method for insured individuals to access case management assistance to obtain an in-network provider for the covered service they need in a timely manner.

- **Access to essential community providers.** We strongly believe the proposed rules should contain meaningful requirements for access to essential community providers. For example, the rules should address which providers should be defined as essential community providers and a determination as to whether a sufficient number of ECPs are included to meet the needs of the community and to increase access to care.
- **Balance billing.** We strongly support that the proposed rules include a solution to balance billing. It is within the purview of the OIC to monitor and determine the adequacy of a health carrier's network for emergency medical services and other essential services.
- **Transparency and network identification.** We strongly support including in the proposed rules ways in which providers can identify which network they are contracted to participate in. We also support guidelines for how often a provider directory must be updated.

Other network adequacy standards, not listed on this page, are also ripe for review. Please consider this petition delivered in the spirit of making Washington state the best place to practice medicine and to deliver care. Please feel free to contact us with any questions or concerns.

Sincerely,

Jon Gould; Deputy Director  
Children's Alliance

Claudia Sanders; Senior Vice President; Policy Development  
Washington State Hospital Association

Katie Kolan; Director of Legislative and Regulatory Affairs  
Washington State Medical Association

Barbara Gorham; Policy Director, Access  
Washington State Hospital Association

Maura Little; Government Relations Director  
American Cancer Society Cancer Action Network, Inc.

Stephanie Simpson  
Bleeding Disorder Foundation of Washington

Jim Freeburg; Advocacy Director  
National Multiple Sclerosis Society; Greater Northwest Chapter

Daniel Gross; Senior Staff Attorney  
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Annie Holt; Director of Policy & Advocacy  
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Ace Robinson, Director of Health Education, Prevention, and Public Policy & Advocacy  
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