



August 19, 2015

The Honorable Mary Taylor
Director, Ohio Department of Insurance
Ohio Department of Insurance
50 W. Town Street
Third Floor - Suite 300
Columbus, Ohio 43215

Re: Public Hearing on Rule 3901-8-16

Dear Lt. Governor Taylor:

Thank you for the opportunity to continue to engage and provide comments on Rule 3901-8-16, required provider network disclosures for consumers. The Ohio Association of Health Plans (OAHP) has been engaged with the Ohio Department of Insurance (ODI) throughout the stakeholder process of this rule and we appreciate the work the Department has done to address concerns voiced throughout the process. As we move toward the agency public hearing for this rule, OAHP member plans are seeking further clarification in a couple of areas in order to clearly understand: (1) the language itself, (2) the Department's intent relative to the current language and (3) how the Department will implement and determine compliance with the current language. To that end, OAHP respectfully requests that the below comment receive full consideration during this agency hearing process.

Again, we appreciate the work done by the Department on this rule and look forward to working with the Department to obtain further clarification on the current language. Below please find a summary of OAHP's clarification requests.

1. Division (D)(1)(d)

- a. Concern. OAHP is concerned that the language in Division (D)(1)(d) could be interpreted to require issuers to include un-credentialed providers in the provider directory. It is our understanding that the Department does not intend for plans to be required to include un-credentialed providers in their provider directory as part of this requirement.
- b. Recommendation. To that end and to clarify a potential unintended consequence of the language as currently drafted, OAHP respectfully requests that the Department include the following clarification: "Nothing in this section shall require an issuer to include an un-credentialed provider in the provider directory."

2. Division (D)(1)(d)
 - a. Concern. OAHP respectfully requests that the language in Division (D)(1)(d) be made clear that the change that triggers the 15 business day directory update requirement be the date the change is made to the plan's network.
 - b. Recommendation. OAHP respectfully requests that the language be revised to state: "Once an issuer is aware of the addition, expiration, or termination of a provider or facility from the issuer's network or a change in a provider's hospital affiliation, an issuer's provider directories must be updated within fifteen days of the effective date of the network change."
3. Division (E)
 - a. Concern. Under the current language, an insurer could be in compliance with the 15 day update requirement (under Division (D)(1)(d)) but be penalized financially under Division E by not being able to implement increased financial liability until the directory has been updated. For example, the plan could terminate a provider on the network and update the directory within 10 days and if a consumer accessed a service on day 5, the plan would not be able to increase the financial liability of that service until that update was made on day 10.
4. Division (C)(3). Rule 3901-8-16 applies to third party administrators (TPAs) to the extent that the benefits that a TPA is contracted to administer under a health benefit plan are subject to the Ohio's insurance laws and rules or subject to ODI jurisdiction.. As you know, on September 29, 2015 provisions included in the state budget bill (Am. Sub. HB 64) will require pharmacy benefit managers (PBMs) to be licensed under Ohio law as a third party administrator. OAHP would like the opportunity to discuss how this rule may apply to PBMs.

Again, we appreciate the work done by the Department on this rule and look forward to continued work together to further address these remaining concerns. If you have any questions, please don't hesitate to contact me at mmotter@oahp.org or (614) 228-4662.

Thank you in advance for your consideration.

Sincerely,



Miranda C. Miranda
President & CEO
Ohio Association of Health Plans

Cc: Carrie Haughawout, ODI Assistant Director of Policy and Product Coordination
Allison Conklin, ODI Legislative Liaison