

Commissioner's Network Adequacy Advisory Council Meeting Minutes for June 20, 2024

This Council conducted a public meeting on Thursday, June 20, 2024, at 10:00am.

Roll Call – The following Council members were present:

Jack Kim
Vu Luu
Tom McCoy
Patrick Kelly
Shae Herbert
Heidi Sterner
Sarah Fox
Howard Baron

The following Council member was absent:

Joy Thomas

The following Division of Insurance members were present:

Glenn Shippey
Reida Wagner
Jack Childress
Adam Plain

1. Call to Order/Roll Call – The meeting was called to order. Glenn Shippey introduced two new members of the Council, Shae Herbert and Heidi Sterner, both representing consumers, and proceeded with the roll call and a quorum was established.
2. Introductory Remarks – Glenn Shippey reminded the Council and public of the Council's charge which establishes the scope of the Council's work and determines recommendations to the Commissioner as to what network adequacy requirements should be. He also reminded participants that Nevada's Open Meeting Law applies which means that the meeting will be recorded, and minutes will be taken. This information will be made available to the public through the Division's website.
3. Public Comment: No public comment at this time.
4. Minutes from the September 7, 2023 meeting were approved as amended to reflect the participation of Patrick Kelly. Minutes from the April 16, 2024 meeting were also approved.
5. Federal Requirements Affecting PY26 Standards:

Glenn Shippey explained to the Council that new federal network adequacy requirements for 2026 are only applicable to Qualified Health Plans certified for sale on Nevada's Exchange. The Council has always recommended, and the Commissioner has always adopted, the same set of standards for all network plans in the individual and small group markets. The Council could choose to apply these new federal requirements to all individual and small group plans, or it can recommend two sets of network adequacy standards: one for Qualified Health Plans to be compliant with new federal requirements and another for all other plans sold in the individual and small group markets. It must recommend network adequacy standards to the Commissioner of Insurance for Plan Year 2026 no later than

September 15th. Howard Baron was concerned about applying the federal standards for providers in areas of the state where shortages exist, especially in rural counties. Jack Kim expressed concern that carriers will not be able to meet many of these new standards outside the Exchange and in the small group market in rural areas which could negatively impact the number of health plans offered in those areas.

Reida Wagner presented the new federal requirements and identified the provider and facility types that are not currently being evaluated in Nevada to determine the adequacy of a network plan. The differences between current and the new time and distance federal standards were highlighted for each provider type within each type of county. Nevada's standards are generally not as strict as the new federal standards that will be effective in 2026. Sarah Fox asked whether telehealth can be used to satisfy these standards. Reida Wagner replied that this is currently being discussed within CMS but current standards do not consider telehealth. Heidi Sterner asked about differences in carrier networks on and off the Exchange, and Shae Herbert pointed out that stricter standards seem favorable to the consumer but could affect the number of plans available to these consumers.

Howard Baron expressed concern that stricter standards would not necessarily result in additional providers contracted if there is a shortage of providers. Sarah Fox agreed that there is a lack of providers to contract with in many areas of the state. Jack Kim stated that it will be challenging to meet these new standards for the QHP networks for which they are required, and that it would be a bad idea to apply them to plans outside the Exchange. Jack Kim made a motion to only apply the new federal standards to Qualified Health Plans in 2026. Howard Baron seconded the motion. All eight Council members in attendance voted in favor of the motion and none opposed. The motion was approved.

6. Telehealth:

Glenn Shippey discussed SB119 which defines Federally Qualified Health Centers and Rural health Clinics as originating sites for purposes of telehealth. These facilities are essential community providers (ECPs), and the Council does recommend ECP network adequacy standards for individual and small group network plans. After brief discussion the Council did not feel this legislation impacted ECP standards.

7. Discussion, Deliberation, and Potential Direction by Council Regarding Network Adequacy Standards for PY26:

Shae Herbert requested an agenda item for the next Council meeting to discuss wait time standards. Heidi Sterner expressed concern about inaccurate information within carrier provider directories, and Glenn Shippey responded that carriers are required to update provider directories at least monthly. Adam Plain informed the Council that the 2026 network adequacy standards proposed regulation is available on the Nevada legislative website. Glenn Shippey responded that this regulation will be amended to reflect the Council's recommendation in September and the Commissioner's decision in October.

8. Public Comment: No public comment at this time.

9. Adjournment – The meeting was adjourned at 11:08am

This recording and all recordings of past Council meetings can be found on the Division's website:

https://doi.nv.gov/Insurers/Life_and_Health/Network_Adequacy_Advisory_Council/