

## **COMMISSIONER'S NETWORK ADEQUACY ADVISORY COUNCIL**

### **Minutes of Meeting Held**

The Commissioner's Network Adequacy Advisory Council held a public meeting on August 13, 2020 at 10:05 a.m. remotely via Webex. Notice of the meeting was posted in compliance with Nevada's Open Meeting Law. The recording of this meeting may be viewed on the Division's website, [http://doi.nv.gov/Insurers/Life\\_and\\_Health/Network\\_Adequacy\\_Advisory\\_Council/](http://doi.nv.gov/Insurers/Life_and_Health/Network_Adequacy_Advisory_Council/)

### **Roll Call of Members:**

**The following Council members were present:**

Thomas McCoy

Howard Baron

Jack Kim

Cris Williams

Bill Welch<sup>1</sup>

Jon Bilstein

Sarah Fox

### **Division of Insurance Staff in attendance:**

Jeremey Gladstone

Mark Garratt

David Hall

Patti Flasch

### **1. Call to Order and Roll Call**

The meeting was called to order at 10:05 a.m.

Jeremey Gladstone proceeded with the roll call and a quorum was established with all present.

Mr. Gladstone also announced that Jon Hager has stepped down as council member. The NV DOI is currently posting an official notice for a new carrier or industry representative.

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<sup>1</sup> Bill Welch was present intermittently throughout the meeting and advised that he would not be present for the entirety of the meeting.

An official notice is being posted on the DOI website. He asked if council is aware of anyone who would have an interest to feel free to reach out to him.

Also Mr. Gladstone reminded the committee that the vacancy for the consumer representative is still open, and directed interested persons to the website to submit their application. Jack Kim requested a copy of the application so he can forward to his health plan association.

**2. Introductory Remarks:**

David Hall, Legal Counsel for the Division stated that the NV Open Meeting Law has been modified slightly by the Governor’s Order to allow for meetings to be held virtually, as with this one today. Otherwise, the law still does apply as a result. Any deliberations must be done openly, must be available to the public and must be recorded by the Division of Insurance. The recordings will be made available to the public. He requested participants to please speak one at a time and perhaps pause a little before answering or making a statement, to help keep the recording clear.

**3. Public comment**

Mr. Gladstone offered the opportunity for public comment and there was no public comment at this time.

**4. Approval of the Minutes from the July 9, 2020 Meeting**

A motion of approval of the minutes was made by Jack Kim and seconded by Howard Baron, none opposed; motion carried unanimously.

**5. Presentation by Corie Nieto, Director of Telehealth Services, Nevada Health Centers.**

Corie’s presentation can be found on the NV DOI website link per below;

[http://doi.nv.gov/uploadedFiles/doinvgov/\\_public-documents/Insurers/Network\\_Access\\_Adequacy\\_Council\\_08132020.pdf](http://doi.nv.gov/uploadedFiles/doinvgov/_public-documents/Insurers/Network_Access_Adequacy_Council_08132020.pdf)

Howard Baron asked if Ms. Nieto could elaborate on the concerns about access once the emergency declaration has expired.

Ms. Nieto responded that their goal is to maintain the continuity of care. A lot of insurance carriers contract with other national organizations for telehealth, and their hope is that post-COVID there won’t be a struggle with reimbursement issues with the direct to consumer program.

Thomas McCoy asked if using the direct approach vs. the clinic is the co-pay the same.

Ms. Nieto stated that except for Medicaid, in general it would be the same primary co-pay.

Sarah Fox asked what Nevada Health Centers is doing for wellness visits via telehealth.

Ms. Nieto They are doing some wellness through telehealth but not through virtual care but they need direct contact with the patient. However there can be followup visits via telehealth. Currently during the pandemic, it is the healthy patients that can be seen more via telehealth. Sick patients need to be protected from employers and providers, however they need care as well.

Cris Williams asked what areas of Nevada are set up in schools.

Ms. Nieto responded that they are set up in Las Vegas, Carson City and Elko, and their hope is that in the future it will become mainstream through the schools.

Jack Kim asked what the hours are for the direct to consumer program.

Ms. Nieto responded these are basically office hours, M-F during the day. They are hoping to expand to nights and weekends.

Mark Garratt asked if they expect to continue to see more utilization by providers in the rural areas going forward.

Ms. Nieto responded that they do, as urban clinics are so busy and the rural providers don’t see as many patients in a day. If a provider is not available in the urban area, they can be seen by a provider in the rural areas.

6. Presentation on Network Adequacy by Jeremy Gladstone, Assistant Chief Examiner Life and Health Section, NV Division of Insurance.

Mr. Gladstone’s presentation can be found on the NV DOI website per link below;

[http://doi.nv.gov/uploadedFiles/doinvgov/\\_public-documents/Insurers/DOI\\_Data\\_Presentation\\_08.13.20.pdf](http://doi.nv.gov/uploadedFiles/doinvgov/_public-documents/Insurers/DOI_Data_Presentation_08.13.20.pdf)

Jack Kim asked if the dental standards have changed, or are they consistent within the last 4-5 years, and asked for clarification if dental is included as a part of the network adequacy standards.

Mr. Gladstone responded that the standards and guidance have remained consistent throughout the years. He also confirmed that dental plan standards will be provided to the council going forward to determine if any network adequacy recommendations need to be made.

As a follow up to the last meeting, per the request of Howard Baron, Mr. Gladstone provided additional information data from OCHA as a follow up to Mr. Baron’s request to get feedback on consumer complaints. For Fiscal Year 2020, they received 175 complaints related to access to care, and only about 17 complaints pertained to a network access issue that may be related to other issues such as wait time, etc. Mr. Gladstone will continue to work with OCHA and other agencies for additional data regarding overall access.

Howard Baron asked if the only dental standards requirement pertains to pediatric dental plans that are on the exchange, and how do plans meet adequacy if there are no small group options.

Mr. Gladstone responded that the only requirement for health plans is for pediatric dental on the exchange. Since there is no on exchange small group there is no requirement to offer pediatric dental.

Howard Baron asked if Mr. Gladstone sees any trends from the OCHA data.

Mr. Gladstone responded unfortunately this data did not include specialty information. The one specialty complaint was anesthesiology. He will follow up with OCHA, in addition to reviewing the DOI data to see if it can specify by location to better see if there are trends.

Howard Baron suggested a review of complaints on social media might be helpful. Mr. Gladstone will contact the DOI Public Information Officer to see if some of the data can be obtained through social media platforms.

7. Discussion, Deliberation, and Potential Direction by Council Regarding Network Adequacy Standards for Plan Year 2022. **(For possible action)**

- a. Discuss network adequacy standards related to dental provider networks
- b. Review of decisions around recommended changes to network adequacy criteria and/or recommendations for future consideration for Plan Year 2022
- c. Review of any substantive changes to the draft report submitted by Council members
- d. Final voting on the recommended changes and recommendations for future consideration for Plan Year 2021

8. **Review, revise, and approve final Report Plan Year 2022 recommendations. (For possible action)**

- a. Review and substantive changes submitted by Council members
- b. Revise report based on agreed upon decisions related to network adequacy criteria and/or recommendations for future consideration for Plan Year 2022
- c. Voting and approval of Report

Jack Kim made a motion to approve a draft of the final report, updated with current date and inclusion of additional minutes/items as referenced by Mr. Gladstone, Howard Baron seconded. All were in favor, none opposed, motion carried unanimously.

9. **Discussion, Deliberation, and Potential Direction by Council Regarding Network Adequacy Standards for Plan Year 2023. (For possible action)**

- a. Discuss potential calendar of meetings

- b. Schedule first meeting
- c. Discuss goals for Plan Year 2023 and beyond
- d. Assignment of tasks for Division staff or Council Members

Howard Baron suggested cancelling the September meeting, in light of not yet having CMS guidelines and upcoming legislative session, in order to discuss plan year 2023.

A motion was made by Jack Kim to cancel the September 10<sup>th</sup> meeting and hold first meeting in 2021 to discuss plan year 2023, seconded by Howard Baron. All were in favor, none opposed, motion carried unanimously.

Mr. Gladstone will submit the report to the Commissioner by the September 15<sup>th</sup> deadline as required by regulation, and will work with the council members to schedule next meeting in February or early March of 2021. He stated if there are any sources of data or an organization that members would like to present at this meeting, please reach out to him.

**10. Scheduling of Next Meeting Agenda Items. (For possible action)**

The decision was made to delay scheduling of the next meeting at this time.

**11. Public Comment (may include general announcements by Council Members)**

There was no additional public comment.

**12. Adjournment**

The Meeting adjourned at 11:23 a.m. Jack Kim moved to adjourn, Thomas McCoy seconded, motion carried.

Respectfully submitted,  
Laura Adair

This Webex meeting recording and previous complete recordings of past Council meetings can be found on the Division’s website at [http://doi.nv.gov/Insurers/Life and Health/Network Adequacy Advisory Council/](http://doi.nv.gov/Insurers/Life_and_Health/Network_Adequacy_Advisory_Council/)