

COMMISSIONER'S NETWORK ADEQUACY ADVISORY COUNCIL

Minutes of Meeting Held

The Commissioner's Network Adequacy Advisory Council held a public meeting on July 22, 2021 at 10:00 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/

Roll Call of Members:

The following Council members were present:

Thomas McCoy
Jack Kim
Cris Williams
Bill Welch
Jon Bilstein
Sarah Fox
Joy Cleveland (joined late)
Howard Baron (joined late)

The following Council member was absent:

Brian Knudsen

Division of Insurance Staff/Legal Counsel in attendance:

Jeremey Gladstone
Mark Garratt
Laura Adair
Henna Rasul, Senior Deputy Attorney General, NV Office of the Attorney General

1. Call to Order and Roll Call

The meeting was called to order at 10:00 a.m.

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

2. Introductory Remarks

Mr. Gladstone reminded the Council and public of the Council's charge per Nevada Administrative Code Chapter 687B.750 which establishes the scope of the council's work and determines recommendations to the Commissioner as to what network adequacy requirements should be; monitoring and enforcement do not fall within the council's control.

He also reminded participants that Nevada Open meeting law does apply which means that everything the council does must be done openly, must be available to the public and must be properly noticed and recorded. Meetings are recorded and available to the public and participants were asked to identify themselves for the record prior to speaking by stating their name or confirming via the Webex chat box.

3. Public Comment.

There was no public comment at this time.

4. Approval of the Minutes from the March 11, 2021, Meeting.

Jon Bilstein entertained motion to pass meeting minutes; seconded by Cris Williams. None were opposed, motion carried.

5. Review vision and agreements.

Mr. Gladstone opened this agenda item for discussion on possible changes. There were no comments regarding this agenda item.

6. Presentation of Data, Presented by Division of Insurance, Jeremy Gladstone, Assistant Chief Examiner, Life and Health Section.

This presentation can be found on the NV DOI website per below;
[PowerPoint Presentation \(nv.gov\)](#)

In addition to the 2021 legislative bills noted in the presentation, Bill Welch requested that SB 329 pertaining to the relationship between providers and payers and its impact be added. Mr. Welch stated that the provider community has concerns that it may create difficulties with contract resolution, possibly resulting in more out of network providers. Mr. Gladstone will make available a summary of the overall provisions of the bill for the next meeting.

Mr. Kim suggested that the provisions of telehealth be discussed further at the next meeting. Mr. Gladstone will put together some guidance for discussion at the next meeting.

Per the request of council member Brian Knudsen at the last meeting, Mr. Gladstone provided Silver State Health Insurance Exchange/Centers for Medicare & Medicaid public demographic data.

Mr. Kim asked Mr. Gladstone to clarify if this data was gathered prior to the American Rescue Plan special enrollment period.

Mr. Gladstone responded that the data was pulled prior to this during the end of open enrollment period of January of 2021 and will try to get more up to date information for the next meeting if it is available.

Dr. Baron asked what the total enrollment numbers are for this plan year and is interested to know if this number has changed. Mr. Gladstone did not think this has changed significantly but will verify and provide this information at the next meeting.

Mr. Welch inquired as to a statistic which was brought up during the legislative discussions surrounding SB420 which indicated that 50% of Nevada's uninsured population would be eligible for Medicaid or for subsidies through the Silver State Health Insurance Exchange (SSHIX). Mr. Welch would like information presented at either the next Network Adequacy Council or at the Commissioner's Advisory Committee on Health Care and Insurance (CACHCI) on the outreach efforts of both agencies.

Dr. Baron commented that he believes SB420 would have an impact on network access and would like to have further discussion regarding this.

Mr. Kim and Dr. Baron would like to see more specific demographic analysis on other factors including where and who the insured are.

Mr. Gladstone will try to get feedback from the upcoming CACHCI and SSHIX meetings and will also try to obtain more information from the SB420 bill analysis.

7. Discussion, Deliberation, and Potential Direction by Council Regarding Network Adequacy Standards for Plan Year 2023.

- a. Identification of decisions around recommended changes to network adequacy criteria and/or recommendations for future consideration for Plan Year 2023.
- b. Confirmations and/or additions to assignments and timeline.
- c. Direction to Division staff concerning request for information.
- d. Other matters related to timely and relevant information and collection of specific data regarding network adequacy.

Mr. Gladstone addressed the council to ask if members have any specific concerns or recommendations for PY2023 standards.

Dr. Baron asked if there have been any changes in mental health access as a result of the previous guideline changes that separated out mental health providers.

Mr. Gladstone will put together an exhibit that will highlight this.

Also Dr. Baron asked if there was a pattern with consumer complaints regarding network adequacy, or in a particular category with consumer complaints.

Mr. Gladstone will reach out to the Nevada Division of Insurance Consumer Services section and the Nevada Office of Consumer Health Assistance to see if there is more information on this.

Mr. Kim asked for an update in the number of carriers and products being offered through the SSHIX, and if there are any new carriers.

Mr. Gladstone said that the 2022 data will not be confirmed until the final rates are posted in October, however he can give a snapshot for the August meeting. He referred to the presentation from the last meeting in March, showing plan offerings in the individual market increasing from 2018.

Dr. Baron asked Mr. Gladstone to confirm that the number of plans on the exchange does not necessarily mean the number of insurance companies that are providing those plans, and if a carrier decides to withdraw, all plans are withdrawn.

Mr. Gladstone confirmed that that if a carrier withdraws it is usually the entire service area. To address this, he will provide a total breakdown of carriers and plans by service area for the next meeting.

Dr. Baron asked if the Division of Insurance has had to take any corrective action regarding network adequacy.

There have been some complaints with inadequate provider directories and issues regarding network contractual changes however there have not been any specific complaints with network adequacy.

Mr. Welch stated he supports the current standards. However, with COVID-19 continuing to be a challenge, the council needs to look at trauma and other high-end services with limited availability. In considering the availability, the Council need to be mindful to not create an unbalanced environment for contract negotiations, but at the same time ensure a patient has access.

Dr. Baron asked Mr. Welch how the 2019 balance billing legislation has affected this issue with single trauma center.

Mr. Welch responded that fortunately this issue has been resolved since it went into effect and has not seen any issues since.

Mr. Gladstone added that the Division is currently researching recent surprise billing legislation on how state and federal laws will work together and will update and advise the council as it is finalized.

Dr. Baron made a motion to recommend that the council maintain the current standards for network adequacy Plan Year 2023, pending any significant issues that result from data to be presented in August. Mr. Kim seconded the motion, none were opposed.

This motion was approved by the following members below and passed;

- Bill Welch
- Cris Williams
- Howard Baron
- Jack Kim
- Joy Cleveland
- Sarah Fox
- Tom McCoy

8. Discussion on Plan Year 2023 meetings.
 - a. Scheduling of future meetings.
 - b. Scheduling of next meeting agenda items.
 - c. Other matters related to meetings for Plan Year 2023.

Mr. Gladstone will send out the approved recommendations in the new report, for the council to review and add any specific areas and return no later than August 9, 2021 prior to next meeting scheduled for August 19, 2021. This will then be posted on the NV DOI website.

9. Public Comment.

There was no public comment.

10. Adjournment.

The Meeting adjourned at 11:19 a.m.

Respectfully submitted,
Laura Adair

This Webex meeting recording and previous complete recordings of past Council meetings can be found on the Division's website

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