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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND HEALTH
CARE REFORM ACT OF 2004 -- HEALTH INSURANCE OVERSIGHT

Introduced By: Representatives Fogarty, Spears, McEntee, Carson, Shallcross Smith,
Hull, Felix, Kislak, Giraldo, and Kazarian

Date Introduced: March 21, 2025

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-14.5-3 of the General Laws in Chapter 42-14.5 entitled "The
2 Rhode Island Health Care Reform Act of 2004 — Health Insurance Oversight" is hereby amended
3 to read as follows:

4 **42-14.5-3. Powers and duties.**

5 The health insurance commissioner shall have the following powers and duties:

6 (a) To conduct quarterly public meetings throughout the state, separate and distinct from
7 rate hearings pursuant to § 42-62-13, regarding the rates, services, and operations of insurers
8 licensed to provide health insurance in the state; the effects of such rates, services, and operations
9 on consumers, medical care providers, patients, and the market environment in which the insurers
10 operate; and efforts to bring new health insurers into the Rhode Island market. Notice of not less
11 than ten (10) days of the hearing(s) shall go to the general assembly, the governor, the Rhode Island
12 Medical Society, the Hospital Association of Rhode Island, the director of health, the attorney
13 general, and the chambers of commerce. Public notice shall be posted on the department's website
14 and given in the newspaper of general circulation, and to any entity in writing requesting notice.

15 (b) To make recommendations to the governor and the house of representatives and senate
16 finance committees regarding healthcare insurance and the regulations, rates, services,
17 administrative expenses, reserve requirements, and operations of insurers providing health
18 insurance in the state, and to prepare or comment on, upon the request of the governor or

1 chairpersons of the house or senate finance committees, draft legislation to improve the regulation
2 of health insurance. In making the recommendations, the commissioner shall recognize that it is
3 the intent of the legislature that the maximum disclosure be provided regarding the reasonableness
4 of individual administrative expenditures as well as total administrative costs. The commissioner
5 shall make recommendations on the levels of reserves, including consideration of: targeted reserve
6 levels; trends in the increase or decrease of reserve levels; and insurer plans for distributing excess
7 reserves.

8 (c) To establish a consumer/business/labor/medical advisory council to obtain information
9 and present concerns of consumers, business, and medical providers affected by health insurance
10 decisions. The council shall develop proposals to allow the market for small business health
11 insurance to be affordable and fairer. The council shall be involved in the planning and conduct of
12 the quarterly public meetings in accordance with subsection (a). The advisory council shall develop
13 measures to inform small businesses of an insurance complaint process to ensure that small
14 businesses that experience rate increases in a given year may request and receive a formal review
15 by the department. The advisory council shall assess views of the health provider community
16 relative to insurance rates of reimbursement, billing, and reimbursement procedures, and the
17 insurers' role in promoting efficient and high-quality health care. The advisory council shall issue
18 an annual report of findings and recommendations to the governor and the general assembly and
19 present its findings at hearings before the house and senate finance committees. The advisory
20 council is to be diverse in interests and shall include representatives of community consumer
21 organizations; small businesses, other than those involved in the sale of insurance products; and
22 hospital, medical, and other health provider organizations. Such representatives shall be nominated
23 by their respective organizations. The advisory council shall be co-chaired by the health insurance
24 commissioner and a community consumer organization or small business member to be elected by
25 the full advisory council.

26 (d) To establish and provide guidance and assistance to a subcommittee ("the professional-
27 provider-health-plan work group") of the advisory council created pursuant to subsection (c),
28 composed of healthcare providers and Rhode Island licensed health plans. This subcommittee shall
29 include in its annual report and presentation before the house and senate finance committees the
30 following information:

31 (1) A method whereby health plans shall disclose to contracted providers the fee schedules
32 used to provide payment to those providers for services rendered to covered patients;

33 (2) A standardized provider application and credentials verification process, for the
34 purpose of verifying professional qualifications of participating healthcare providers;

- 1 (3) The uniform health plan claim form utilized by participating providers;
- 2 (4) Methods for health maintenance organizations, as defined by § 27-41-2, and nonprofit
3 hospital or medical service corporations, as defined by chapters 19 and 20 of title 27, to make
4 facility-specific data and other medical service-specific data available in reasonably consistent
5 formats to patients regarding quality and costs. This information would help consumers make
6 informed choices regarding the facilities and clinicians or physician practices at which to seek care.
7 Among the items considered would be the unique health services and other public goods provided
8 by facilities and clinicians or physician practices in establishing the most appropriate cost
9 comparisons;
- 10 (5) All activities related to contractual disclosure to participating providers of the
11 mechanisms for resolving health plan/provider disputes;
- 12 (6) The uniform process being utilized for confirming, in real time, patient insurance
13 enrollment status, benefits coverage, including copays and deductibles;
- 14 (7) Information related to temporary credentialing of providers seeking to participate in the
15 plan's network and the impact of the activity on health plan accreditation;
- 16 (8) The feasibility of regular contract renegotiations between plans and the providers in
17 their networks; and
- 18 (9) Efforts conducted related to reviewing impact of silent PPOs on physician practices.
- 19 (e) To enforce the provisions of title 27 and title 42 as set forth in § 42-14-5(d).
- 20 (f) To provide analysis of the Rhode Island affordable health plan reinsurance fund. The
21 fund shall be used to effectuate the provisions of §§ 27-18.5-9 and 27-50-17.
- 22 (g) To analyze the impact of changing the rating guidelines and/or merging the individual
23 health insurance market, as defined in chapter 18.5 of title 27, and the small-employer health
24 insurance market, as defined in chapter 50 of title 27, in accordance with the following:
- 25 (1) The analysis shall forecast the likely rate increases required to effect the changes
26 recommended pursuant to the preceding subsection (g) in the direct-pay market and small-employer
27 health insurance market over the next five (5) years, based on the current rating structure and
28 current products.
- 29 (2) The analysis shall include examining the impact of merging the individual and small-
30 employer markets on premiums charged to individuals and small-employer groups.
- 31 (3) The analysis shall include examining the impact on rates in each of the individual and
32 small-employer health insurance markets and the number of insureds in the context of possible
33 changes to the rating guidelines used for small-employer groups, including: community rating
34 principles; expanding small-employer rate bonds beyond the current range; increasing the employer

1 group size in the small-group market; and/or adding rating factors for broker and/or tobacco use.

2 (4) The analysis shall include examining the adequacy of current statutory and regulatory
3 oversight of the rating process and factors employed by the participants in the proposed, new
4 merged market.

5 (5) The analysis shall include assessment of possible reinsurance mechanisms and/or
6 federal high-risk pool structures and funding to support the health insurance market in Rhode Island
7 by reducing the risk of adverse selection and the incremental insurance premiums charged for this
8 risk, and/or by making health insurance affordable for a selected at-risk population.

9 (6) The health insurance commissioner shall work with an insurance market merger task
10 force to assist with the analysis. The task force shall be chaired by the health insurance
11 commissioner and shall include, but not be limited to, representatives of the general assembly, the
12 business community, small-employer carriers as defined in § 27-50-3, carriers offering coverage in
13 the individual market in Rhode Island, health insurance brokers, and members of the general public.

14 (7) For the purposes of conducting this analysis, the commissioner may contract with an
15 outside organization with expertise in fiscal analysis of the private insurance market. In conducting
16 its study, the organization shall, to the extent possible, obtain and use actual health plan data. Said
17 data shall be subject to state and federal laws and regulations governing confidentiality of health
18 care and proprietary information.

19 (8) The task force shall meet as necessary and include its findings in the annual report, and
20 the commissioner shall include the information in the annual presentation before the house and
21 senate finance committees.

22 (h) To establish and convene a workgroup representing healthcare providers and health
23 insurers for the purpose of coordinating the development of processes, guidelines, and standards to
24 streamline healthcare administration that are to be adopted by payors and providers of healthcare
25 services operating in the state. This workgroup shall include representatives with expertise who
26 would contribute to the streamlining of healthcare administration and who are selected from
27 hospitals, physician practices, community behavioral health organizations, each health insurer, and
28 other affected entities. The workgroup shall also include at least one designee each from the Rhode
29 Island Medical Society, Rhode Island Council of Community Mental Health Organizations, the
30 Rhode Island Health Center Association, and the Hospital Association of Rhode Island. In any year
31 that the workgroup meets and submits recommendations to the office of the health insurance
32 commissioner, the office of the health insurance commissioner shall submit such recommendations
33 to the health and human services committees of the Rhode Island house of representatives and the
34 Rhode Island senate prior to the implementation of any such recommendations and subsequently

1 shall submit a report to the general assembly by June 30, 2024. The report shall include the
2 recommendations the commissioner may implement, with supporting rationale. The workgroup
3 shall consider and make recommendations for:

4 (1) Establishing a consistent standard for electronic eligibility and coverage verification.
5 Such standard shall:

6 (i) Include standards for eligibility inquiry and response and, wherever possible, be
7 consistent with the standards adopted by nationally recognized organizations, such as the Centers
8 for Medicare & Medicaid Services;

9 (ii) Enable providers and payors to exchange eligibility requests and responses on a system-
10 to-system basis or using a payor-supported web browser;

11 (iii) Provide reasonably detailed information on a consumer's eligibility for healthcare
12 coverage; scope of benefits; limitations and exclusions provided under that coverage; cost-sharing
13 requirements for specific services at the specific time of the inquiry; current deductible amounts;
14 accumulated or limited benefits; out-of-pocket maximums; any maximum policy amounts; and
15 other information required for the provider to collect the patient's portion of the bill;

16 (iv) Reflect the necessary limitations imposed on payors by the originator of the eligibility
17 and benefits information;

18 (v) Recommend a standard or common process to protect all providers from the costs of
19 services to patients who are ineligible for insurance coverage in circumstances where a payor
20 provides eligibility verification based on best information available to the payor at the date of the
21 request of eligibility.

22 (2) Developing implementation guidelines and promoting adoption of the guidelines for:

23 (i) The use of the National Correct Coding Initiative code-edit policy by payors and
24 providers in the state;

25 (ii) Publishing any variations from codes and mutually exclusive codes by payors in a
26 manner that makes for simple retrieval and implementation by providers;

27 (iii) Use of Health Insurance Portability and Accountability Act standard group codes,
28 reason codes, and remark codes by payors in electronic remittances sent to providers;

29 (iv) Uniformity in the processing of claims by payors; and the processing of corrections to
30 claims by providers and payors;

31 (v) A standard payor-denial review process for providers when they request a
32 reconsideration of a denial of a claim that results from differences in clinical edits where no single,
33 common-standards body or process exists and multiple conflicting sources are in use by payors and
34 providers.

1 (vi) Nothing in this section, nor in the guidelines developed, shall inhibit an individual
2 payor's ability to employ, and not disclose to providers, temporary code edits for the purpose of
3 detecting and deterring fraudulent billing activities. The guidelines shall require that each payor
4 disclose to the provider its adjudication decision on a claim that was denied or adjusted based on
5 the application of such edits and that the provider have access to the payor's review and appeal
6 process to challenge the payor's adjudication decision.

7 (vii) Nothing in this subsection shall be construed to modify the rights or obligations of
8 payors or providers with respect to procedures relating to the investigation, reporting, appeal, or
9 prosecution under applicable law of potentially fraudulent billing activities.

10 (3) Developing and promoting widespread adoption by payors and providers of guidelines
11 to:

12 (i) Ensure payors do not automatically deny claims for services when extenuating
13 circumstances make it impossible for the provider to obtain a preauthorization before services are
14 performed or notify a payor within an appropriate standardized timeline of a patient's admission;

15 (ii) Require payors to use common and consistent processes and time frames when
16 responding to provider requests for medical management approvals. Whenever possible, such time
17 frames shall be consistent with those established by leading national organizations and be based
18 upon the acuity of the patient's need for care or treatment. For the purposes of this section, medical
19 management includes prior authorization of services, preauthorization of services, precertification
20 of services, post-service review, medical-necessity review, and benefits advisory;

21 (iii) Develop, maintain, and promote widespread adoption of a single, common website
22 where providers can obtain payors' preauthorization, benefits advisory, and preadmission
23 requirements;

24 (iv) Establish guidelines for payors to develop and maintain a website that providers can
25 use to request a preauthorization, including a prospective clinical necessity review; receive an
26 authorization number; and transmit an admission notification;

27 (v) Develop and implement the use of programs that implement selective prior
28 authorization requirements, based on stratification of healthcare providers' performance and
29 adherence to evidence-based medicine with the input of contracted healthcare providers and/or
30 provider organizations. Such criteria shall be transparent and easily accessible to contracted
31 providers. Such selective prior authorization programs shall be available when healthcare providers
32 participate directly with the insurer in risk-based payment contracts and may be available to
33 providers who do not participate in risk-based contracts;

34 (vi) Require the review of medical services, including behavioral health services, and

1 prescription drugs, subject to prior authorization on at least an annual basis, with the input of
2 contracted healthcare providers and/or provider organizations. Any changes to the list of medical
3 services, including behavioral health services, and prescription drugs requiring prior authorization,
4 shall be shared via provider-accessible websites;

5 (vii) Improve communication channels between health plans, healthcare providers, and
6 patients by:

7 (A) Requiring transparency and easy accessibility of prior authorization requirements,
8 criteria, rationale, and program changes to contracted healthcare providers and patients/health plan
9 enrollees which may be satisfied by posting to provider-accessible and member-accessible
10 websites; and

11 (B) Supporting:

12 (I) Timely submission by healthcare providers of the complete information necessary to
13 make a prior authorization determination, as early in the process as possible; and

14 (II) Timely notification of prior authorization determinations by health plans to impacted
15 health plan enrollees, and healthcare providers, including, but not limited to, ordering providers,
16 and/or rendering providers, and dispensing pharmacists which may be satisfied by posting to
17 provider-accessible websites or similar electronic portals or services;

18 (viii) Increase and strengthen continuity of patient care by:

19 (A) Defining protections for continuity of care during a transition period for patients
20 undergoing an active course of treatment, when there is a formulary or treatment coverage change
21 or change of health plan that may disrupt their current course of treatment and when the treating
22 physician determines that a transition may place the patient at risk; and for prescription medication
23 by allowing a grace period of coverage to allow consideration of referred health plan options or
24 establishment of medical necessity of the current course of treatment;

25 (B) Requiring continuity of care for medical services, including behavioral health services,
26 and prescription medications for patients on appropriate, chronic, stable therapy through
27 minimizing repetitive prior authorization requirements; and which for prescription medication shall
28 be allowed only on an annual review, with exception for labeled limitation, to establish continued
29 benefit of treatment; and

30 (C) Requiring communication between healthcare providers, health plans, and patients to
31 facilitate continuity of care and minimize disruptions in needed treatment which may be satisfied
32 by posting to provider-accessible websites or similar electronic portals or services;

33 (D) Continuity of care for formulary or drug coverage shall distinguish between FDA
34 designated interchangeable products and proprietary or marketed versions of a medication;

1 (ix) Encourage healthcare providers and/or provider organizations and health plans to
2 accelerate use of electronic prior authorization technology, including adoption of national standards
3 where applicable; and

4 (x) For the purposes of subsections (h)(3)(v) through (h)(3)(x) of this section, the
5 workgroup meeting may be conducted in part or whole through electronic methods.

6 (4) To provide a report to the house and senate, on or before January 1, 2017, with
7 recommendations for establishing guidelines and regulations for systems that give patients
8 electronic access to their claims information, particularly to information regarding their obligations
9 to pay for received medical services, pursuant to 45 C.F.R. § 164.524.

10 (5) No provision of this subsection (h) shall preclude the ongoing work of the office of
11 health insurance commissioner's administrative simplification task force, which includes meetings
12 with key stakeholders in order to improve, and provide recommendations regarding, the prior
13 authorization process.

14 (i) To issue an anti-cancer medication report. Not later than June 30, 2014, and annually
15 thereafter, the office of the health insurance commissioner (OHIC) shall provide the senate
16 committee on health and human services, and the house committee on corporations, with: (1)
17 Information on the availability in the commercial market of coverage for anti-cancer medication
18 options; (2) For the state employee's health benefit plan, the costs of various cancer-treatment
19 options; (3) The changes in drug prices over the prior thirty-six (36) months; and (4) Member
20 utilization and cost-sharing expense.

21 (j) To monitor the adequacy of each health plan's compliance with the provisions of the
22 federal Mental Health Parity Act, including a review of related claims processing and
23 reimbursement procedures. Findings, recommendations, and assessments shall be made available
24 to the public.

25 (k) To monitor the transition from fee-for-service and toward global and other alternative
26 payment methodologies for the payment for healthcare services. Alternative payment
27 methodologies should be assessed for their likelihood to promote access to affordable health
28 insurance, health outcomes, and performance.

29 (l) To report annually, no later than July 1, 2014, then biannually thereafter, on hospital
30 payment variation, including findings and recommendations, subject to available resources.

31 (m) Notwithstanding any provision of the general or public laws or regulation to the
32 contrary, provide a report with findings and recommendations to the president of the senate and the
33 speaker of the house, on or before April 1, 2014, including, but not limited to, the following
34 information:

1 (1) The impact of the current, mandated healthcare benefits as defined in §§ 27-18-48.1,
2 27-18-60, 27-18-62, 27-18-64, similar provisions in chapters 19, 20 and 41 of title 27, and §§ 27-
3 18-3(c), 27-38.2-1 et seq., or others as determined by the commissioner, on the cost of health
4 insurance for fully insured employers, subject to available resources;

5 (2) Current provider and insurer mandates that are unnecessary and/or duplicative due to
6 the existing standards of care and/or delivery of services in the healthcare system;

7 (3) A state-by-state comparison of health insurance mandates and the extent to which
8 Rhode Island mandates exceed other states benefits; and

9 (4) Recommendations for amendments to existing mandated benefits based on the findings
10 in (m)(1), (m)(2), and (m)(3) above.

11 (n) On or before July 1, 2014, the office of the health insurance commissioner, in
12 collaboration with the director of health and lieutenant governor's office, shall submit a report to
13 the general assembly and the governor to inform the design of accountable care organizations
14 (ACOs) in Rhode Island as unique structures for comprehensive healthcare delivery and value-
15 based payment arrangements, that shall include, but not be limited to:

16 (1) Utilization review;

17 (2) Contracting; and

18 (3) Licensing and regulation.

19 (o) On or before February 3, 2015, the office of the health insurance commissioner shall
20 submit a report to the general assembly and the governor that describes, analyzes, and proposes
21 recommendations to improve compliance of insurers with the provisions of § 27-18-76 with regard
22 to patients with mental health and substance use disorders.

23 (p) To work to ensure the health insurance coverage of behavioral health care under the
24 same terms and conditions as other health care, and to integrate behavioral health parity
25 requirements into the office of the health insurance commissioner insurance oversight and
26 healthcare transformation efforts.

27 (q) To work with other state agencies to seek delivery system improvements that enhance
28 access to a continuum of mental health and substance use disorder treatment in the state; and
29 integrate that treatment with primary and other medical care to the fullest extent possible.

30 (r) To direct insurers toward policies and practices that address the behavioral health needs
31 of the public and greater integration of physical and behavioral healthcare delivery.

32 (s) The office of the health insurance commissioner shall conduct an analysis of the impact
33 of the provisions of § 27-38.2-1(i) on health insurance premiums and access in Rhode Island and
34 submit a report of its findings to the general assembly on or before June 1, 2023.

1 (t) To undertake the analyses, reports, and studies contained in this section:

2 (1) The office shall hire the necessary staff and prepare a request for proposal for a qualified
3 and competent firm or firms to undertake the following analyses, reports, and studies:

4 (i) The firm shall undertake a comprehensive review of all social and human service
5 programs having a contract with or licensed by the state or any subdivision of the department of
6 children, youth and families (DCYF), the department of behavioral healthcare, developmental
7 disabilities and hospitals (BHDDH), the department of human services (DHS), the department of
8 health (DOH), and Medicaid for the purposes of:

9 (A) Establishing a baseline of the eligibility factors for receiving services;

10 (B) Establishing a baseline of the service offering through each agency for those
11 determined eligible;

12 (C) Establishing a baseline understanding of reimbursement rates for all social and human
13 service programs including rates currently being paid, the date of the last increase, and a proposed
14 model that the state may use to conduct future studies and analyses;

15 (D) Ensuring accurate and adequate reimbursement to social and human service providers
16 that facilitate the availability of high-quality services to individuals receiving home and
17 community-based long-term services and supports provided by social and human service providers;

18 (E) Ensuring the general assembly is provided accurate financial projections on social and
19 human service program costs, demand for services, and workforce needs to ensure access to entitled
20 beneficiaries and services;

21 (F) Establishing a baseline and determining the relationship between state government and
22 the provider network including functions, responsibilities, and duties;

23 (G) Determining a set of measures and accountability standards to be used by EOHHS and
24 the general assembly to measure the outcomes of the provision of services including budgetary
25 reporting requirements, transparency portals, and other methods; and

26 (H) Reporting the findings of human services analyses and reports to the speaker of the
27 house, senate president, chairs of the house and senate finance committees, chairs of the house and
28 senate health and human services committees, and the governor.

29 (2) The analyses, reports, and studies required pursuant to this section shall be
30 accomplished and published as follows and shall provide:

31 (i) An assessment and detailed reporting on all social and human service program rates to
32 be completed by January 1, 2023, including rates currently being paid and the date of the last
33 increase;

34 (ii) An assessment and detailed reporting on eligibility standards and processes of all

1 mandatory and discretionary social and human service programs to be completed by January 1,
2 2023;

3 (iii) An assessment and detailed reporting on utilization trends from the period of January
4 1, 2017, through December 31, 2021, for social and human service programs to be completed by
5 January 1, 2023;

6 (iv) An assessment and detailed reporting on the structure of the state government as it
7 relates to the provision of services by social and human service providers including eligibility and
8 functions of the provider network to be completed by January 1, 2023;

9 (v) An assessment and detailed reporting on accountability standards for services for social
10 and human service programs to be completed by January 1, 2023;

11 (vi) An assessment and detailed reporting by April 1, 2023, on all professional licensed
12 and unlicensed personnel requirements for established rates for social and human service programs
13 pursuant to a contract or established fee schedule;

14 (vii) An assessment and reporting on access to social and human service programs, to
15 include any wait lists and length of time on wait lists, in each service category by April 1, 2023;

16 (viii) An assessment and reporting of national and regional Medicaid rates in comparison
17 to Rhode Island social and human service provider rates by April 1, 2023;

18 (ix) An assessment and reporting on usual and customary rates paid by private insurers and
19 private pay for similar social and human service providers, both nationally and regionally, by April
20 1, 2023; and

21 (x) Completion of the development of an assessment and review process that includes the
22 following components: eligibility; scope of services; relationship of social and human service
23 provider and the state; national and regional rate comparisons and accountability standards that
24 result in recommended rate adjustments; and this process shall be completed by September 1, 2023,
25 and conducted biennially hereafter. The biennial rate setting shall be consistent with payment
26 requirements established in § 1902(a)(30)(A) of the Social Security Act, 42 U.S.C. §
27 1396a(a)(30)(A), and all federal and state law, regulations, and quality and safety standards. The
28 results and findings of this process shall be transparent, and public meetings shall be conducted to
29 allow providers, recipients, and other interested parties an opportunity to ask questions and provide
30 comment beginning in September 2023 and biennially thereafter.

31 (3) In fulfillment of the responsibilities defined in subsection (t), the office of the health
32 insurance commissioner shall consult with the Executive Office of Health and Human Services.

33 (u) Annually, each department (namely, EOHHS, DCYF, DOH, DHS, and BHDDH) shall
34 include the corresponding components of the assessment and review (i.e., eligibility; scope of

1 services; relationship of social and human service provider and the state; and national and regional
2 rate comparisons and accountability standards including any changes or substantive issues between
3 biennial reviews) including the recommended rates from the most recent assessment and review
4 with their annual budget submission to the office of management and budget and provide a detailed
5 explanation and impact statement if any rate variances exist between submitted recommended
6 budget and the corresponding recommended rate from the most recent assessment and review
7 process starting October 1, 2023, and biennially thereafter.

8 (v) The general assembly shall appropriate adequate funding as it deems necessary to
9 undertake the analyses, reports, and studies contained in this section relating to the powers and
10 duties of the office of the health insurance commissioner.

11 (w) To undertake analyses, reports, studies, and recommendations with respect to
12 reimbursement and financing for the provision of primary care services to Rhode Island patients,
13 as follows:

14 (1) These primary care financing analyses will, to the extent possible, examine all sources
15 of financing for primary care from all types of health insurance including, without limitation,
16 Medicaid, commercial insurance, and Medicare. In addition to fee-for-service reimbursement, the
17 analysis will also examine and consider other forms of primary care financing, including, but not
18 limited to, shared savings programs, capitation, specialized payment mechanisms for community
19 health centers, quality bonuses, and care management funding.

20 (2) These primary care financing analyses will be conducted with the goal of understanding
21 if current payment methodologies for primary care support the care delivery models needed for
22 primary care to achieve its full potential. These models include those defined in the 2021 National
23 Academies of Sciences, Engineering, and Medicine report, “Implementing high-quality primary
24 care: Rebuilding the foundation of health care.”

25 (3) On or before July 1, 2026 and every two (2) years thereafter, the office shall publish
26 and submit to the general assembly a report outlining current financing structures and
27 reimbursement rates for Rhode Island primary care providers. For the report due in 2026, the office
28 may delay completion of this report for up to ninety (90) days as long as it publishes and provides
29 notice to the general assembly of the circumstances requiring delayed completion before July 1,
30 2026. This report shall include detailed information on the scope of the office’s analysis, including
31 the definition for primary care services that it is adopting and may update from time to time. To the
32 extent possible, this report shall include:

33 (i) Sufficient information to allow comparison between reimbursement by insurer, by
34 insurance market segment, geography, practice type, and other circumstances that may impact

1 reimbursement rates:

2 (ii) Information regarding alternative payment methodologies such as shared savings
3 programs, capitation, specialized payment mechanisms for federally qualified health centers,
4 quality bonuses, and care management funding; and

5 (iii) Sufficient historical information to see how primary care reimbursement and financing
6 has changed over time.

7 (4) On or before September 1, 2026 and every two (2) years thereafter, the office shall
8 publish and submit to the general assembly a report making and justifying recommendations for
9 adjustments to primary care reimbursement and financing. For the report due in 2026, the office
10 may delay completion of this report for up to ninety (90) days as long as it publishes and provides
11 notice to the general assembly of the circumstances requiring delayed completion by September 1,
12 2026. In preparing these recommendations, the office may investigate and consider other relevant
13 facts and circumstances, including, but not limited to, access to care, quality of care, benchmark
14 reimbursement rates from other payers or jurisdictions, inflation, input costs of service provision,
15 and/or the reimbursement environment for other clinical services. Such rate adjustment
16 recommendations may also include recommended adjustments to primary care financing
17 mechanisms other than fee-for-service including, but not limited to, shared savings programs,
18 capitation, specialized payment mechanisms for federally qualified health centers, quality bonuses,
19 and care management funding, with a goal of supporting best practice team-based models of
20 primary care.

21 (5) With respect to rate adjustment recommendations for Medicaid fee-for-service and
22 Medicaid managed care, each state government department involved in the financing of Medicaid
23 primary care shall include the recommended rates in their annual budget submission to the office
24 of management and budget and provide a detailed explanation and impact statement if any rate
25 variances exist between the submitted recommended budget and the corresponding recommended
26 rate from the office's most recent review under this subsection.

27 (6) With respect to commercial insurance reimbursement, the office shall use the analyses
28 and recommendations under this subsection to inform existing regulatory activities (e.g. its
29 affordability standards regulations), and shall further determine whether it is necessary or desirable
30 to use existing regulatory authority to promote adoption of the office's recommendations in other
31 ways. To the extent allowable under federal law (including Rutledge v. PCMA, 141 S.Ct. 474
32 (2020)), self-insured commercial insurance shall be within the scope of the office's analysis,
33 recommendations, and regulatory approach.

34 (7) With respect to Medicare reimbursement policies, the office shall seek opportunities

1 for its recommendations under this subsection to be influential proposed potential language: With
2 respect to Medicare reimbursement policies, the office shall use the analyses and recommendations
3 under this subsection to inform the Centers for Medicare and Medicaid services of the adequacy of
4 Medicare’s primary care investment in Rhode Island and to inform state healthcare planning efforts.

5 (8) In performing this work, the office shall convene and regularly consult an advisory
6 committee with the following membership:

7 (i) Nine (9) members, selected by the governor, one of whom shall be the executive
8 secretary of the executive office of health and human services, or designee; one of whom shall be
9 the director of the department of health, or designee; one of whom shall be a representative of a
10 large primary care provider that for purposes of this section is a provider with greater than ten (10)
11 medical professionals on staff (including pediatrics); one of whom shall be a representative of a
12 small primary care provider that for the purposes of this section is a provider with less than ten (10)
13 medical professionals on staff (including pediatrics); one of whom shall be a member of the staff
14 of a hospital operated by Brown University Health; one of whom shall be a member of the staff at
15 a hospital operated by Care New England; one of whom shall be a representative of a community
16 health center; one of whom shall be a representative of a Medicaid Managed Care Organization
17 (MCO); and one of whom shall be a representative of a patient care advocacy group

18 (ii) Proceedings of this advisory committee shall be subject to, chapter 46 of title 42 (“open
19 meetings”).

20 SECTION 2. This act shall take effect upon passage.

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LC002320
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND HEALTH
CARE REFORM ACT OF 2004 -- HEALTH INSURANCE OVERSIGHT

1 This act would add to the powers and duties of the office of the health insurance
2 commissioner (OHIC) the undertaking of analyses, reports, studies, and recommendations with
3 respect to reimbursement and financing for the provision of primary care services to Rhode
4 Islanders. The act would establish a nine (9) member advisory committee to advise the OHIC.

5 This act would take effect upon passage.

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