

OHIC NEWS

The Rhode Island Office of the Health Insurance Commissioner

ADVANCING THE STATEWIDE EXPANSION OF TELEHEALTH SERVICES

Telehealth services became an integral part of the Rhode Island health care system during the coronavirus disease 2019 (COVID-19) public health emergency and have proven to be a critical tool for improving health care access and quality moving forward. In collaboration with state partners, the office took immediate action at the start of the pandemic to make telemedicine more widely accessible in a concentrated effort to maintain continuity of care, ensure Rhode Islanders had adequate access to the health care services they needed, and to limit the spread of COVID-19. OHIC has strongly advocated for telemedicine policies that help maintain and improve these services as a convenient, cost-effective, and accessible option for consumers and providers in Rhode Island over the long-term.

“Telehealth is a critical tool in Rhode Island's ongoing goal of making health care more accessible, affordable, and equitable for all.” *Health Insurance Commissioner Patrick Tighe* said, “OHIC is committed to ensuring that telehealth services remain easily accessible.”

In 2020, OHIC established the Telemedicine Subcommittee of the OHIC Payment and Care Delivery Advisory Committee which sought to put forth thoughtful recommendations on how to maximize telemedicine's benefits and make it more widely available while ensuring quality, safety, program integrity, and affordability. Participants included a wide range of stakeholders representing primary care, specialty care, and behavioral health providers, hospital-based systems, community health centers, accountable entities; accountable care organizations; health insurers, business groups, and consumer advocacy organizations. Ultimately, the Telemedicine Subcommittee consensus recommendations helped to present a path forward for the revisions to the Telemedicine Act. The office successfully supported the enactment of amendments to that act which went into effect on July 6, 2021. On an ongoing basis, OHIC believes that the following elements should be foundational to telehealth policy:

- ▶ Audio-only telemedicine should be covered on a permanent basis.
- ▶ No restrictions on patient location for telemedicine should be in place.
- ▶ Cost-sharing for telemedicine visits should not exceed cost-sharing for in-person visits.
- ▶ Prior authorization requirements for telemedicine should be no more stringent than prior authorization requirements for in-person care.
- ▶ Telemedicine for BH services and primary care services should be paid at the same rate as in-person visits regardless of modality.
- ▶ No restrictions on which provider types can provide telemedicine services within their scope of practice should be in place.

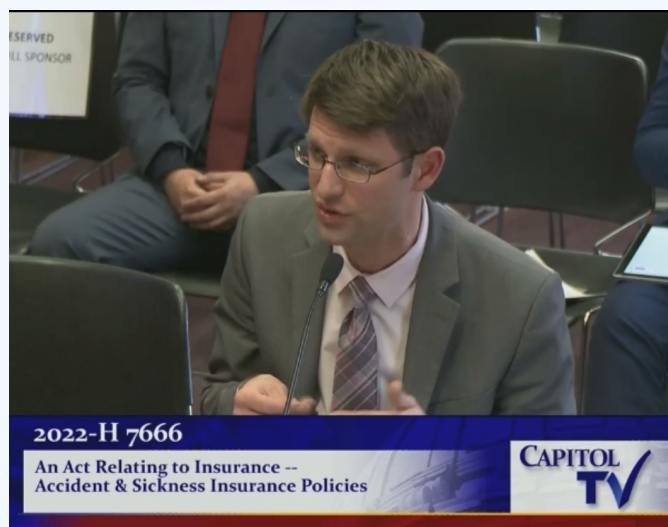
OHIC Fines United Healthcare \$100,000 for Inadequate Substance Use Disorder Treatment

As part of the office's ongoing efforts to increase behavioral health care access and ensure parity between behavioral health care and physical health care services, OHIC conducts periodic examinations of insurance companies and other regulated entities in Rhode Island in order to determine compliance with Rhode Island insurance laws. This month, OHIC found that United Healthcare used criteria for determining levels of care for substance use disorder treatment that were not consistent with Rhode Island law. The Rhode Island law related to substance use disorder treatment requires all health insurers to follow the comprehensive set of guidelines put in place by the American Society of Addiction Medicine (ASAM). The ASAM criteria was designed to improve the addiction treatment system and establish a national set of criteria for creating results-based care within the treatment of addiction.

Following OHIC's review, the office determined that coverage criteria for levels of care of substance use disorder treatment for 2015 through 2018 were materially inconsistent with those set forth by ASAM. Moreover, the criteria are also inconsistent with generally accepted standards of care among substance use treatment providers. This material inconsistency, more likely than not, would have affected coverage decisions for members in a manner resulting in clinically inappropriate coverage decisions. As a result of these findings, OHIC is directing UnitedHealthcare to pay a \$100,000 fine and consent to corrective actions to meet proper substance use disorder treatment guidelines set forth in Rhode Island law. OHIC will continue to conduct regular oversight of insurers to ensure all insurers are held accountable for meeting behavioral health and substance use disorder guidelines.

OHIC Advocates for Prescription Drug Affordability

Consumer protection is a driving principal at the core of all of OHIC's work and advocating on behalf of legislation that makes health care more accessible and affordable for Rhode Islanders is an important aspect of that work. Each week, the office reviews the legislation that has been introduced and is being heard in the General Assembly and testifies in support of bills that help make our health care system more equitable and affordable and against bills that could negatively impact consumers. When possible, OHIC collaborates with members of the General Assembly to help coordinate research, make amendments, and draft legislative language that helps transform the health care delivery system.



This month, Health Insurance Commissioner Patrick Tighe testified in support of H 7666, a bill that if passed would result in improved affordability for consumers who rely on specialty drugs. Rhode Islanders need relief from the negative effects of rising prescription drug costs and OHIC commends Representative David Morales and the other sponsors of this legislation for introducing a bill that addresses this critical issue. Rising prescription drug costs are a major driver of overall health care spending growth, making it challenging for many Rhode Island families to access the care they need. This legislation is a vital step in addressing prescription drug affordability by specifically providing relief from high levels of cost-sharing for specialty drugs that many Rhode Islanders with complex medical conditions need to remain healthy.