



September 24, 2014

J.P. Weiske
Chair of the Network Adequacy Model
Review (B) Subgroup
National Association of Insurance
Commissioners
701 Hall of the States
444 North Capitol Street, NW
Washington, DC 20001-1509

Jolie H. Matthews
Senior Health and Life Policy Counsel
National Association of Insurance Commissioners
701 Hall of the States
444 North Capitol Street, NW
Washington, DC 20001-1509

Re: Appeals process language in NAIC's network adequacy model bill

Dear Mr. Weiske and Ms. Matthews:

On behalf of its physician and student members, the American Medical Association (AMA) continues to appreciate the opportunity to provide comments with respect to the National Association of Insurance Commissioner's Managed Care Plan Network Adequacy Model Act (#74) (the model act). As the Network Adequacy Model Review (B) Subgroup moves forward discussing the appeals procedures for consumer access to care outside their provider network, we suggest the following priorities for your consideration:

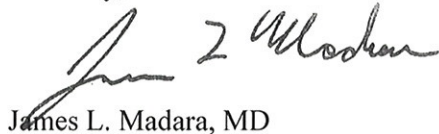
1. **Consumer protections:** All networks should meet or exceed the state's network adequacy requirement and provide patients access to needed care. However, when a patient is unable to access needed in-network care, i.e., when a provider network is inadequate, the patient should be held harmless for all additional costs associated with accessing out-of-network care.
2. **Insurer incentives:** An appeals process should protect consumers while deterring insurers from creating inadequate networks. Allowing insurers to pay non-contracted providers deeply discounted rates to remedy inadequate networks, as proposed by some stakeholders, will not protect consumers and may, in fact, have the unintended consequence of incenting insurers to create inadequate networks.

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3. **Department of Insurance authority:** In order to ensure the feasibility of enactment and enforcement of the model act in interested states, any requirements included within the model act should be within the regulatory enforcement authority of the state Department of Insurance (DOI). The AMA strongly supports revisions to the model act that provide clarity to consumers through DOI monitoring, evaluating and enforcement of network adequacy.

As always, thank you for your consideration of all stakeholders' input during this process. We look forward to our continued work with the subcommittee. Please contact Emily Carroll at emily.carroll@ama-assn.org or (312) 464-4967 or Daniel Blaney-Koen at daniel.blaney-koen@ama-assn.org, or (312) 464-4954 with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Madara". The signature is written in a cursive style with a large initial "J" and "M".

James L. Madara, MD