

From: Jennifer McMahon
Sent: Friday, January 29, 2010 5:39 PM
To: Jordan Estey
Subject: Comments on Proposed Draft Model

Jordan-

Thanks so much for giving me a few extra hours...here are some of my informal comments on the draft that I reviewed.

My comments are reserved to the hospital related provisions in the Proposed Draft Model. We encourage you to seek comments from organizations that represent the physician groups most affected by the situation this draft model seeks to address.

Foremost in this discussion, it must be understood that this issue begins with a health insurance product. Health insurance issuers market and sell health benefit plans to consumers. These health insurance issuers design these benefit plans to have networks and establish these networks.

If health insurance issuers establish the networks, design the benefit plans, market and sell these products to consumers, they too should be responsible for them. Disclosure of information regarding a health plan's policy and network to its insured should be the primary responsibility of the health insurance issuer (HII). When the HII has not clearly communicated to its policy holder information regarding the network status of hospital-based physicians they should be held responsible to their policy holders.

If an inadequate network or failure to communicate gaps in their network coverage proximately results in damages to their insured an affirmative obligation should be placed on the health insurance issuer to pay for the services their beneficiary received from the non-contracting provider. State regulatory authorities should ensure that the businesses that they regulate sell adequate products and effectively communicate information regarding those products.

While we believe the primary responsibility lies with the health plan to communicate with its insured; we do believe it is appropriate for hospitals to inform consumers that they may be treated by a non-network physician and to provide upon request a listing of facility-based physicians practicing at the facility.

We appreciate the opportunity to comment on this proposed draft. Please give me a call should you have any questions.

Have a great weekend,
Jennifer

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