



**Testimony of Peter Hayes
to the Joint Standing Committee on Health Coverage, Insurance and Financial Services**

Neither For Nor Against

LD 1498, An Act to Create an Advocacy and Complaint Process for Health Care Providers Within the Bureau of Insurance

April 24, 2023

Good afternoon, Senator Bailey, Representative Perry, and Members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services.

My name is Peter Hayes. I'm the President and CEO of the Healthcare Purchaser Alliance of Maine. The HPA is a nonprofit that represents the purchasers of healthcare in Maine. Our mission is to advance healthcare value and to support and incentivize high-quality, affordable care. We have over 60 members, including some of the largest public and private employers and health trusts in Maine. Collectively, our members spend over a billion dollars annually providing health care for nearly one quarter of the commercially insured population in the state.

I am here today to testify neither for nor against LD 1498, which would create new authority for the Bureau of Insurance to respond to carrier issues raised by providers. If the Legislature opts to create a division within the Bureau where providers can bring questions, concerns, and complaints about carriers, we urge the committee to expand the responsibilities of that division to also address carrier, employer, and patient concerns about providers. The provision and coverage of health care is increasingly complex, and we agree that stakeholders need a resource from whom they can seek assistance and raise complaints. As currently drafted, LD 1498 would create that resource for providers, but leave carriers and employers with no recourse when they have an issue with a provider.

Just last year, for example, one of our members was involved in a dispute with a provider who had left its carrier's network, regarding reimbursement rates for plan members who were in the middle of a course of treatment with that provider. To avoid patient disruption, federal continuity of care laws require providers departing a network to accept in-network rates for certain patients who are in the middle of treatment.¹ Our member believed that the provider in question was not in compliance with the federal law, but they had nowhere to go to file a complaint. The federal law also includes mandates around carrier responsibilities regarding continuity of care, and if our member's carrier had been noncompliant with those mandates, they would have been able to report the carrier to the Bureau of Insurance. We believe that a similar system should be available to report complaints about providers.

¹ Consolidated Appropriations Act, 2021, Public Law 116-260-Dec. 27, 2020. Available at: <https://www.congress.gov/116/plaws/publ260/PLAW-116publ260.pdf>. Also available at: Centers for Consumer Information & Insurance Oversight, "The No Surprises Act's Continuity of Care, Provider Directory, and Public Disclosure Requirements," Centers For Medicare and Medicaid Services. Available at: <https://www.cms.gov/files/document/a274577-1b-training-2nsa-disclosure-continuity-care-directoriesfinal-508.pdf>.



We would also urge you to consider giving the Bureau oversight to hear and address consumer complaints regarding providers. Under current law, consumers who have concerns about an insurance issue can bring their complaints to the Bureau, but if consumers have issues with a provider, they have nowhere to go, other than to the licensing bureau, which is unlikely to pull a hospital's license over a consumer complaint.

Further, several of the bills before the committee today and later this session could potentially create new mandates around price transparency and allowable types of payment. Expanding this new proposed division within the Bureau to cover provider—as well as carrier—issues and complaints could make it the ideal place to house enforcement authority for any other new mandates created by the Legislature.

We believe that if the committee is going to expand the Bureau's oversight, that expansion should not just be limited to addressing provider complaints. It should also encompass protections for Maine consumers, employers, and carriers, who currently have nowhere to go to address concerns about potential provider violations of statutes or rules.

Thank you for the opportunity to share our feedback on LD 1498. I'd be happy to answer any questions and will be available for the work session.