

**Office of the Health Insurance Commissioner**

**Special Legislative Commission to study the feasibility of enacting legislation to empower primary care providers to jointly negotiate with insurers**

**Meeting Minutes**

**November 13, 2007**

**“The purpose of the Commission shall be to develop recommendations for strengthening the role of the state’s primary care providers within the health system, including, legislative recommendations regarding the creation of a state- authorized and state-monitored mechanism allowing primary care providers to jointly negotiate health care provider and participation agreements with health insurers.”**

**1. Attendance:**

**Present: Stephen D’Amato MD, Maureen G. Glynn, David Ashley M.D., Carrie Bridges.**

**OHIC Staff: Christopher Koller, Patricia Huschle**

**2. Introductions**

**Pat Huschle welcomed the group. The members of the commission introduced themselves.**

**3. Discussion on 2007- H 6502**

**Chris Koller talked about the statute language and reminded the group that the goal is not to draft legislation but to make a recommendation as to the feasibility of legislation to allow for a state mandated mechanism for allowing providers to collectively negotiate with health plans. He reminded the group that the Office of the Health Insurance Commissioner has no interest in the outcome of the recommendation. He also informed the commission on the importance of good primary care in the state and that the concerns around keeping primary care viable helped to support the passage of this legislation.**

**Both Drs. D'Amato and Ashley spoke about the financial struggles of primary care physicians in the state and their inability to discuss fees among themselves. Dr. D'Amato stated that he believes that the larger provider practices have more negotiating leverage. Dr. Ashley stated that physicians trained in Rhode Island are not staying in this market due to low fees.**

#### **4. Review of Commission Charter and Work plan**

**Pat Huschle reviewed the Draft Charter with group and it was approved. Pat Huschle also reviewed the draft Work plan with the Commission. The work plan proposed that the next meeting include local "experts" on state action exemptions and anti-trust law in order for the group to have all necessary information in order to make an informed recommendation to the General Assembly. Don Wineberg, Jeffrey Chase- Lubitz were identified as potential experts. In addition**

**the local health plans will be asked to identify the implications of a state action exemption on their business. Maureen Glynn indicated that she has an intern working on the history of this legislation and he will be able to provide historical context at the next meeting as well.**

**The commission identified several questions they would like to be answered to include how affiliated physicians need to be in order to negotiate collectively with health plans and what is allowable from an anti-trust perspective. The physicians in the group asked that information from other states be made available, including PCP/population ratios and any detail on disparities on reimbursement in neighboring states. Carrie Bridges from DOH said she would see what information the DOH has on these topics. The group also identified the need to define which provider specialties are to be included in primary care.**

**The commission agreed on dates and times for future meetings.**

## **5. Public Comment**

**Shawn Donohue from BCBSRI indicated that they would prefer to see an “academic” expert speak to the anti-trust and state action exemption issues. He will forward names to Pat Huschle for follow up.**

**He also asked who would be speaking to the potential financial impact of the state action exemption on the health plans and their ability to keep health insurance affordable. Pat Huschle indicated that**

**the plans should include those implications when they present at the next meeting. There were not other comments.**

## **6. Next meeting**

**The next meeting is scheduled for Tuesday November 27th from 3 to 5 PM in the Hearing Room at the OHIC office, 233 Richmond Street, Providence.**