BRUYNS Fred H * DCBS

From: Russell, Dolores :MHN MHN President and CEO [redacted]
Sent: Thursday, November 15, 2018 4:05 PM
To: BRUYNS Fred H * DCBS
Subject: Written Testimony for 11/19/18 rulemaking advisory committee meeting

Managed HealthCare Northwest, Inc., (MHN)/CareMark Comp MCO offers the following written testimony in lieu of attending the 11/19/2018 rulemaking advisory committee meeting:

Regarding Issue #9 (1507), CareMark Comp requests WCD's consideration of the language of the second paragraph of OAR 436-015-0030(6)(a) and of paragraph 436-015-0030(6)(b) with an aim to make the language and WCD's intent more explicitly clear and consistent.

1. We understand the intention of WCD, as expressed in the statement that reads, "For categories where the MCO has fewer than three providers, the MCO must allow workers to seek treatment outside the MCO from providers in those categories," to be that this requirement is applicable within each GSA. This is to say, for categories where the MCO has fewer than three providers [within a GSA], the MCO must allow workers to seek treatment outside the MCO from providers in those categories. The following paragraph 436-015-0030(6)(b) that regards authorized nurse practitioners includes the reference to "within the GSA." We would welcome explicit language expressing WCS's intent with regard to providers other than authorized nurse practitioners.
2. The paragraph goes on to state: "Such providers cannot be required to comply with the terms and conditions regarding services performed by the MCO. These providers are not bound by the MCO's treatment and utilization standards, however, workers are subject to those standards." There is no mechanism by which the MCOs can enforce workers' compliance with terms and conditions regarding services performed by the MCO. The MCOs have no contractual relationship with any worker. It is by their contracts with participating MCO providers that the MCOs enforce providers' compliance with terms and conditions regarding services. We believe that this discrepancy renders the section of both paragraphs meaningless. We suggest that WCD consider either doing one of two things: 1) Eliminate the following language: "however, workers are subject to those standards;" or 2) Change the language to state that such providers can be required to be bound by the MCO's treatment and utilization standards.

Our MCO has generally experienced a high level of willingness by come-along providers to adhere to the MCO's precert requirements, treatments and protocols, and referral of the worker to MCO providers for services the come-along provider will not him/herself provide. It seems reasonable to us that the non-MCO ANP or other provider agreeing to treat the enrolled worker under OAR 436-015-0030(6)(a) or (b) to be subject to MCO terms and conditions just as are come-along providers. This presupposes that it is the interest of WCD that the treatment the worker receives is in compliance with the terms and conditions of the MCO, which is why both paragraphs state that "workers are subject to those standards."

We understand that the seeming conflict built into OAR 436-015-0030(6)(a) and (b) has been reviewed by WCD before. Thank you for your consideration at this time.

Dolores Russell
President/CEO
Managed HealthCare Northwest, Inc./CareMark Comp MCO