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Maryland Insurance Administration

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Baltimore, MD 21202

Email: Networkadequacy.mia@maryland.gov

December 4, 2020

RE: DRAFT COMAR 31.10.44 Network Adequacy Regulations

On behalf of The Maryland Chapter of the American Physical Therapy Association (APTA Maryland) we thank the Maryland Insurance Administration (MIA) for opening a thorough review and discussion of Maryland network adequacy regulations. We have reviewed the Draft regulations posted on November 4th for informal public comment and appreciate the opportunity to provide additional comments in this process.

APTA Maryland represents over 1,900 physical therapists and physical therapist assistants in the State. Physical therapists provide essential services in today's health care delivery system. This includes but is not limited to addressing chronic and acute pain through non-pharmacological methods decreasing the reliance on opioid medications; improving recovery times that reduces reoccurrence of injury and disease, and ultimately hospital readmissions; and developing and managing essential rehabilitation programs for survivors of COVID-19. PTs work to improve outcomes which lead to long-term cost savings.

We appreciate the recognition and consideration of our recommendations and suggestions offered in our September 2020 letter. The inclusion of physical therapists as a specified provider that must be accounted for by carriers is an important step forward. We support the language included in the draft regulations:

pages 3-5 - Section .05 Travel Distance Standards.

.... "A.(4) All other providers and facility types included on the carrier's provider panel but not listed in the chart A(5) of this regulation, including physical therapists, nutritionists, and dietitians, shall individually be required to meet maximum distance standards of 15 miles for Urban Areas, 40 miles for Suburban Areas, and 90 miles for Rural Areas."

.... "B.(4) All other providers and facility types included on the carrier's provider panel but not listed in the chart A(5) of this regulation, including physical therapists, nutritionists, and dietitians, shall individually be required to meet maximum distance standards of 15 miles for Urban Areas, 40 miles for Suburban Areas, and 90 miles for Rural Areas."

We noted the inclusion of new requirement that carriers include in their annual plan a count of board certified providers by zip code for a number of health care providers, including:

page 2 - .03 Network Adequacy Standards.

...(6) A carrier shall include in its annual plan under Regulation .04 of this chapter by zip code, the number of providers by Board specialty, including but not limited to:

... (c) The American Board of Physical Therapy Specialties;..."

We wanted to inquire about the intent of this language. It could be a useful tool to measure the bandwidth of specialty providers in network within a particular specialty, but we are concerned that it could have some unintended consequences including but not limited to the following:

1. Serve to limit or restrict network participation by non-board-certified physical therapists, or
2. Encourage disparity in payment between board certified and non-board-certified PTs.

Board certification is a voluntary endeavor. It is not a requirement for licensure in Maryland or credentialing requirement of Maryland hospitals and healthcare facilities. We would appreciate clarification about this section.

It is our hope that changes to the Network Adequacy regulations ensure that carriers comply in a meaningful way and that physical therapists are adequately represented in carrier networks as utilization and beneficial impact of our services continue to grow. As we expressed in our earlier letter, we encounter many challenges with insurers and transparent and meaningful network adequacy standards represents a critical component of our patient care.

Thank you for your consideration of our comments and recommendations above. We continue to stand ready to work with the MIA to improve not only the network adequacy regulations, but the broader landscape between provider and insurer to the benefit of our patients and the citizens of Maryland.

Sincerely,

Kevin Platt

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