

HEARING SUMMARY REPORT

Hearing Date: November 15, 2021 Today's Date: 11/30/2021

Agency: **OHIO DEPARTMENT OF INSURANCE**

Rule Number(s): 3901-8-17

If no comments at the hearing, please check the box.

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Ohio Emergency Medical Physicians Alliance
2. Ohio Hospital Association
3. Ohio Chapter of American College of Emergency Physicians
4. Ohio Society of Pathologists
5. Ohio State Medical Association
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- 16.

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Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

The Ohio Emergency Medical Physicians Alliance provided written comments dated November 15, 2021. The organization recognized two issues of concern to their members; the creation of geographic regions and standards for reimbursement.

The Ohio Hospital Association (OHA) provided written comments dated November 15, 2021. OHA identified five provisions of the rule for questions and comment.

1. Calculation methodology of the reimbursement rate
2. Standard indicators to identify claims eligible for no surprise billing protections
3. The term "sufficient information" in division (F)(4) of the rule
4. Procedural timeliness address in division (I) of the rule
5. Geographical regions

The Ohio Chapter of American College of Emergency Physicians (Ohio ACEP) provided written comments dated, November 15 as well as and oral comments at the public hearing. Ohio ACEP, through Dr. Bryan Graham, identified four outstanding issues of interest to their organization.

1. The term "sufficient information" in division (F)(4) of the rule
2. Calculation methodology of the median in network rate
3. Geographic regions
4. Bundling of claims

The Ohio State Medical Association provided written comments dated November 12, 2021. The organization outlined three issues of concern to their members;

1. Calculation of in-network rate for reimbursement
2. Terminology and time frames
3. Bundling of claims

The Ohio Society of Pathologists provided written comments dated November 15, 2021. The organization objected to the proposed rule and attached a legal memorandum prepared by the law firm Sidley Austin, LLP citing their objections.

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Incorporated Comments into Rules(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

On March 1, 2021, the department launched their stakeholder feedback process. Between March and November 2021, the department issued three comment solicitation periods, held two all-interested-party meetings, and conducted numerous meetings with individual organizations to discuss the rule. As a result, the department revised the rule draft on four separate occasions. Then, on Monday, November 15, 2021, the department held its public hearing required for JCARR. At this point, the department did not incorporate any comments made during the hearing into the rule. The department believes that many of the remaining issues outlined by stakeholders at the public hearing exceed the department's statutory authority to address in this rule. The department recognizes the challenges health providers and health plans have as they prepare to implement changes. The department also understands that operational changes must be undertaken to comply with the new state and federal law prohibiting surprise medical billing to consumers beginning in January 2022. Given these challenges the department is committed to supporting these organizations and their success. ODI intends to continue to engaging with organizations as the state and federal laws become effective.