



## Commercial Insurers' Payment and Contract Issues

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TO: Selected Health System Clients

FROM: Paul Lee, Senior Partner  
Diane Turpin, General Counsel

Thank you for participating in our recent conference call. We appreciated hearing about a range of issues with commercial insurers.

### Updates:

**Emergency Department Coverage:** Anthem has reportedly relaxed its Emergency Department restrictions. Click [here](#) for a *St. Louis Post-Dispatch* article and [here](#) for a *Modern Healthcare* article. While we have not yet obtained the new guidelines, press reports suggest the criteria for reimbursement now includes:

- When traveling out of state
- When receiving surgery, IV fluids, IV medications, or MRI or CT scan
- Visit is associated with outpatient or inpatient admission
- Visit is billed as urgent care

**Litigation and Legislation:** We are aware of two lawsuits in Georgia brought by hospital systems against Blue Cross and Blue Shield. Click [here](#) for the lawsuit by Northeast Georgia Health System and click [here](#) for an article on the Piedmont lawsuit. Click [here](#) for Georgia legislation to address the emergency room policy.

**Network Adequacy Regulation:** Click [here](#) for a memo summarizing a CMS final rule that gives states the responsibility for ensuring network adequacy for Federally-facilitated Exchanges.

### Action Items:

Based on the suggestion from the call, we will form a working group of 3-4 people to develop a strategy and approach to discuss these issues with the National Association of Insurance Commissioners (NAIC). **Please email Diane Turpin at [diane.turpin@shcare.net](mailto:diane.turpin@shcare.net) if you would like to participate in a call for the working group.**

Strategic will continue to compile the following types of information:

- Database of selected carrier restrictions on site of service;
- Activities undertaken by physician, patient and other groups to address the HOPD and ED policies;
- Federal and state legislative, regulatory or legal activity;
- Resources to assist with contract negotiations

We welcome your input on additional resources you would find useful.

We will host periodic calls for those who find value in sharing information on commercial insurers' payment and contract issues. Our continued discussions may lead to additional ideas for proactively working these issues.