

August 16, 2013

The Honorable Kathleen Sebelius
The U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

We are writing to express concern regarding the lack of inclusion of essential community providers (ECPs) in qualified health plan networks. Despite the requirement established by section 1311(c)(1)(C) of the *Affordable Care Act* and subsequent rulemaking and guidance, too many health insurance issuers are neglecting to include a sufficient number and geographic distribution of essential community providers in their Exchange-participating health plan networks. As a result, there is a serious risk that millions of newly insured Americans—especially those who currently rely on ECPs—may not be able to access affordable health care in a timely manner.

Congress designed this important provision of the *Affordable Care Act* to ensure that newly-insured Americans have guaranteed access to the trusted providers in their communities, including community health centers, safety net and children's hospitals, HIV/AIDS clinics, and family planning health centers. When expansions in health insurance coverage are not matched with strong network adequacy protections, Americans are too often left with new coverage options but without access to the providers in their communities or with the appropriate experience and expertise to meet their medical needs. This is especially common for providers in medically-underserved communities and providers caring for low income populations with complex, chronic conditions. Section 1311(c)(1)(C) of the ACA was designed to address this challenge head-on by ensuring that essential community providers are included in qualified health plan networks—thereby assuring continuity of care and timely access to critical health services.

Unfortunately, a number of ECPs are reporting that issuers have been unwilling to meaningfully engage in conversations about ECP participation in these issuers' qualified health plan networks. This lack of engagement has manifested itself in a variety of ways. For example, some health insurance issuers have been unresponsive to inquiries about qualified health plan participation for essential community providers. Others have offered extremely low reimbursement rates, in contradiction with the "generally applicable payment rate" standard established in the final rule on the Establishment of Exchanges and Qualified Health Plans. In addition, some essential community providers are reporting that issuers are unfairly tiering certain providers into less attractive and more expensive plans or are restricting their networks to exclude certain specialties. And some issuers have included essential community providers in their qualified health plan applications without having already discussed contract terms or rates with those providers. Taken together, these practices will undermine the ability of essential community providers to continue to serve the millions of patients who depend on them for quality care.

As you know, a foundational principle of the Affordable Care Act is to ensure expansions of health coverage for the millions of currently uninsured Americans. An equally important principle of the law is to ensure those same Americans, and millions of others, are able to access critical health care services

in a timely manner—including important preventive and specialty health care services that ECPs thrive at offering. As you work in the coming month to certify qualified health plans, we strongly urge you to place a special emphasis on robust essential community provider participation, in line with both the intent and spirit of this important ACA protection.

Sincerely,

America's Essential Hospitals
Association of Clinicians for the Underserved
Children's Hospital Association
HIV Medicine Association
National Association of Community Health Centers
National Association of Pediatric Nurse Practitioners
National Family Planning & Reproductive Health Association
National Health Care for the Homeless Council
Planned Parenthood Federation of America
Ryan White Medical Providers Coalition

cc: Marilyn Tavenner, Administrator, Centers for Medicare and Medicaid Services
Gary Cohen, Deputy Administrator and Director, Center for Consumer Information and Insurance Oversight