



March 12, 2020

Via email: [governor@state.wv.us](mailto:governor@state.wv.us)

Honorable Governor Jim Justice  
1900 Kanawha Blvd. E  
Charleston, WV 25305

**Re: Urging Enactment of House Bill 4061 (Health Insurance Plan Network Adequacy)**

Dear Governor Justice:

On behalf of the West Virginia Society of Pathologists, I am writing to urge your enactment of House Bill 4061. Our society represents many pathologists across the state who practice in independent laboratories, physician offices, ambulatory surgical centers, academic medical centers and hospitals. This legislation is critically important to holding health insurance plans accountable to their enrollees in providing for contracted specialty physicians at in-network hospitals and facilities.

Specifically, this network adequacy bill requires that health insurance plans have in place a: “process for monitoring access to physician specialist services in emergency room care, anesthesiology, radiology, hospitalist care, and pathology/laboratory services at their participating hospitals.” This language is part of the model legislative language (MDL-74) on health plan network adequacy, including provisions espoused by a coalition of hospital-based physician groups, including the College of American Pathologists (CAP), and ultimately endorsed by the National Association of Insurance Commissioners (NAIC) in 2015.

Furthermore, this particular network adequacy provision of the NAIC model was adopted in Oregon (OAR 836-053-0320 (l)), Colorado (3 CCR-7024-Reg 4-2-54 Section 6 (g)) under rules promulgated by the Insurance Departments of these respective states and in Connecticut (Conn. Gen. Stat. § 38a-472f (h) (2) (j)). This explicit requirement is also embedded in the federal “Network Adequacy” application standard for the CMS Qualified Health Plan (QHP) Issuer Application Instructions for 2020 (issued April 2019) applicable to QHPs seeking entry into the federally facilitated insurance exchanges.

The  
**West Virginia  
Association**  
of Pathologists



2187 HSC-North  
PO Box 9203  
Morgantown, WV 26506-9203

Fax: 304-293-1627  
Phone: 304-293-3212

The provision cited above and other provisions of this network adequacy bill will help ensure that West Virginia patients who purchase health insurance products will have access to in-network physician specialists at in-network hospitals, which is optimal as both a consumer protection measure and as a quality of health care measure. Accordingly, we urge your enactment of House Bill 4061. Thank you for your courtesies and consideration.

Sincerely,

Ryan Hershey Livengood, MD, FCAP  
President

cc: Danny Scalise, Executive Director, West Virginia State Medical Association  
Barry Ziman, Director, Legislation and Political Action, College of American Pathologists