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April 1, 2025

The Honorable Susan R. Donovan  
Of the House Health and Human Services Committee, Chair  
Rhode Island State House  
82 Smith St., Providence, RI 02903

**RE: AHIP Comments on H.5862, An Act Relating to Insurance – Benefit Determination and Utilization Review – OPPOSE**

To Chair Donovan and Members of the House Health and Human Services Committee,

AHIP appreciates the opportunity to provide comments on H.5862, which requires health plans to prove that a healthcare service or procedure is not medically necessary. Unfortunately, this bill would undermine patient safety and affordability. As a result, AHIP respectfully opposes H.5862, and we are committed to continued collaboration with the Committee on solutions that promote health care quality, access, and affordability for Rhode Islanders.

#### **Utilization Management**

Proposed Section 27-18.9-16 establishes a presumption that “Any healthcare service or procedure authorized by a provider to a patient...is medically necessary” and thus it is the “duty of the insurance company to provide justification for any denial of such healthcare service or procedure.”

***These provisions undermine patient safety and affordability.*** We are concerned with the addition of a “rebuttable presumption” standard to the adverse determination and utilization review processes. This is a legal term to mean something is considered true (or in this case, medically necessary) until someone contests and proves otherwise, thereby placing a higher burden of proof on the party making a rebuttal. This paves the way for a “no questions asked” approach, even if a utilization review agent reaches a solid determination that demonstrates a lack of medical necessity.

Medical knowledge doubles every 73 days<sup>1</sup> and, to keep up with these changes, studies show that primary care providers would need to practice medicine nearly 27 hours per day.<sup>2</sup> This is why it is so important that health plans, providers, and hospitals work together to ensure treatments delivered to patients align with nationally recognized, evidence-based clinical criteria, protecting patients from unnecessary, potentially harmful drugs and services. Promoting partnerships and providing opportunities for discussion are the best ways to put the patients’ interests first.

***Utilization management tools, such as PA, help reduce patients’ health care costs.*** In addition to promoting safe, evidence-based care, these tools help ensure coverage is as affordable as possible. At a time when experts agree that roughly a quarter of all medical spending is wasteful or low-value, utilization management tools are instrumental in combating rising costs by addressing overuse and low-value care that cost the U.S. \$340 billion annually.<sup>3</sup> Eighty-seven percent of doctors have reported negative impacts

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<sup>1</sup> Densen, Peter. *Challenges and Opportunities Facing Medical Education*. Transactions of the American Clinical and Climatological Association 2011.

<sup>2</sup> Porter J, Boyd C, Skandari MR, Laiteerapong N. *Revisiting the Time Needed to Provide Adult Primary Care*. Journal of General Internal Medicine. January 2023.

<sup>3</sup> *Low-Value Care*. University of Michigan V-BID Center. February 2022.

from low-value care<sup>4</sup> and an AHIP clinical appropriateness project with John Hopkins found that about 10% of physicians provided care inconsistent with consensus and evidence-based standards.<sup>5</sup>

By guiding patients to the right care, at the right time, in the right setting, utilization management tools that assess medical necessity (such as PA), reduce wasteful spending and help ensure health care dollars are used efficiently, while protecting patients from low-value care.

**AHIP Recommendation.** For these reasons **AHIP urges the Committee to vote no on H.5862.** We encourage policymakers to collaborate with health plans, providers, and hospitals on solutions that focus on patient safety and affordability. AHIP and its members stand ready to work with you on this important issue.

Sincerely,

America's Health Insurance Plans

*AHIP is the national association whose members provide health care coverage, services, and solutions to hundreds of millions of Americans every day. We are committed to market-based solutions and public-private partnerships that make health care better and coverage more affordable and accessible for everyone. Visit [www.ahip.org](http://www.ahip.org) to learn how working together, we are Guiding Greater Health*

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<sup>4</sup> Ganguli, Ishani. *Characteristics of Low-Value Services Identified in US Choosing Wisely Recommendations*. JAMA Internal Medicine. February 1, 2022.

<sup>5</sup> *Clinical Appropriateness Measures Collaborative Project*. AHIP. December 2021.