



April 23, 2025

The Honorable Susan R. Donovan
Chairperson, House Committee on Health and Human Services
Rhode Island State House
82 Smith Street
Providence, RI 02903

RE: H-5120 – AN ACT RELATING TO INSURANCE – BENEFIT DETERMINATION AND UTILIZATION REVIEW ACT

Dear Chairperson Donovan:

I write on behalf of the State of Rhode Island Office of the Health Insurance Commissioner (OHIC) regarding [House Bill 5120](#) that seeks, with certain exceptions, to prohibit commercial insurers and Medicaid MCOs from imposing prior authorization requirements for any admission, item, service, treatment, or procedure ordered by an in-network primary care provider. OHIC supports the goals of this proposed legislation.

OHIC shares the following observations regarding this bill. In sharing these observations, OHIC notes that they are offered only in relation to the bill's prohibitions in the context of the fully insured commercial market that is subject to OHIC's jurisdiction. OHIC defers to EOHHS for comments on the bill to the extent the bill creates prohibitions related to Medicaid Managed Care Organizations (Medicaid MCOs), which fall under the jurisdiction of EOHHS.

OHIC's primary concern is that neither the bill's definition of "*primary care provider*" nor its proposed new subsection RIGL § 27-18.9-16(a) specify that the prohibition of prior authorization requirements applies only to in-network primary care providers. OHIC recommends revisions to include the phrase "in-network" in the definition and/or the prohibition.

OHIC's second concern is that the inclusion of the phrase "*and other healthcare providers*" in the bill's definition of "*primary care provider*," creates less clarity around the definition in a manner that is likely unnecessary to achieve the sponsors' goal, but which may create enforcement challenges. OHIC recommends the deletion of the phrase "*and other healthcare providers*."

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This bill also proposes a new definition for “insurer” in Chapter 18.9 of Title 27, a chapter applicable to commercial insurers. This proposed definition of “insurer” encompasses “Medicaid Managed Care Organizations” as well as all commercial insurers under OHIC authority. OHIC does not have oversight, regulatory or enforcement authority over Medicaid MCOs and EOHHS does not have oversight, regulatory or enforcement authority over insurers offering fully insured commercial products in Rhode Island. OHIC notes that the inclusion of Medicaid MCOs within the commercial health insurance statute could create unnecessary confusion and ambiguity as to the jurisdiction, respective enforcement authorities, and duties of each agency. In order to provide additional clarity, OHIC recommends the bill’s definition of “insurer” be revised to remove “Medicaid Managed Care Organizations”. The bill’s definitions and prohibitions relating to Medicaid MCOs can be separately placed in the appropriate statutes enforceable by the Executive Office of Health and Human Services (EOHHS).

Additionally, OHIC recommends revising the phrase “including by promulgating rules and regulations and taking enforcement actions to implement § 27-18.9-16” of proposed subsection (w) to RIGL § 42-14.5-3 (OHIC’s Powers and Duties statute) to state, “including by promulgating any rules and regulations as he or she shall deem necessary.” OHIC notes that RIGL § 42-14.5-3(e) presently provides the commissioner with the power and duty to “enforce the provisions of title 27 and title 42 as set forth in § 42-14-5(d),” which would be inclusive of RIGL § 27-18.9-16. And, given the targeted language of this bill (including its proposed definitions), OHIC respectfully submits this alternative recommended language clarifies that the promulgation of regulations is optional to better ensure efficiency in government operations.

Thank you for your continued leadership and hard work on all matters related to the health of Rhode Islanders.

Sincerely,



Cory B. King
Health Insurance Commissioner

CC: Honorable Members of the House Committee on Health and Human Services
Honorable Brandon C. Potter
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House

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