INTRODUCTION

The New Hampshire Insurance Department (NHID) is requesting proposals for a Contractor to perform consulting services for the NHID relating to its development of updated network adequacy standards.

Pursuant to NH RSA 400-A:15; RSA 420-J:7 and RSA 420-J:12, the NHID seeks assistance with redrafting administrative rule Ins 2701, regarding network adequacy. The NHID seeks a Contractor to assist in performing analysis of claims data, geographic standards, and developing language for an updated set of rules. The current rules are located here: http://www.gencourt.state.nh.us/rules/state_agencies/ins2700.html.

This arrangement will continue through March 31, 2016 subject to legislative approval of state budgets.

GENERAL INFORMATION/INSTRUCTIONS

Electronic proposals will be received until 4 pm local time, on February 2, 2015, at the New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, New Hampshire, 03301. Emails should be sent to alain.couture@ins.nh.gov and include in the subject line: RFP for Network Adequacy Services.

Proposals should be prepared simply and economically, providing a straightforward, concise description of bidder capabilities that satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content.

A successful proposal must include all of the objectives outlined in this RFP. The budget is a not to exceed amount, and will be included in the contract with the winning bidder. Actual payments will be equal to or less than the not to exceed amount, based on the per hour rate for staff assigned to the project and the actual billable hours, as approved by the NHID.

The NHID has presented a conceptual framework for revising the network adequacy rules. A recorded presentation and additional presentation materials are available here: http://www.nh.gov/insurance/legal/nhid_nwadequacy_wg.htm. Bidders should review these materials and submit a proposal consistent with the presented model. Bidders should also demonstrate familiarity with New Hampshire administrative rulemaking standards under NH RSA chapter 541-A, and in particular the Drafting and Procedures Manual developed by the staff of the Joint Legislative Committee on Legislative Rules (JLCAR).

The bidder should anticipate this project starting in early March 2015, upon Governor and Council approval of the contract.
There are two major project areas that will be covered under the grant: identifying services that fall into the four categories used in the model, and developing standards for geographic access. In support of both these project areas, the contractor is responsible for drafting language to be used in the administrative rule.

Under the conceptual model the Department has developed, medical services will be sorted into four categories based on the degree of proximity required for these services. These categories are: core services (which must be in the closest proximity), common services, specialized services, and highly specialized services (which may permissibly be farthest away).

The contractor will assist the NHID in making determinations about which services belong in which category (core, common, specialized, or highly specialized). The Contractor shall be responsible for identifying each service included in the network adequacy standard by CPT code, unless there is a better alternative for some services. The Contractor shall only classify a limited number of CPT codes into one of the network adequacy categories, focusing on those most appropriate for network adequacy regulations and consistent with the NHID conceptual model. These services should be selected based on the historical frequency of obtained services, but with consideration of the most appropriate use of health care, alternative care providers, telemedicine, as well as availability of treatment from health care providers in the region. As much as possible, these determinations shall be made with respect to the service itself, not the type(s) of provider (or specialty) that might offer the service. The Contractor is also responsible for identifying highly specialized and resource-intensive services that may be performed infrequently, but are appropriate for inclusion in the network adequacy standard to ensure that carriers offer reasonable access so that patients with related conditions are not unreasonably challenged in obtaining care.

A second component of the model is that acceptable distances for each category of services will vary based on the size of the community and the proximity of services in general (not just medical services). For this component, the contractor will assist the NHID in establishing geographic divisions for every region of the state, based on the concept of access to services within a community. In some cases, particularly in rural areas, communities may be combined so that more than one town or city can serve as the access point for services to a particular region.

Once the geographic divisions have been established and reviewed by NHID, the contractor will make recommendations describing the access to core, common, specialized, and highly specialized service categories in each region. As much as possible, no specific travel times or distances shall be explicitly stated in the revised network adequacy rules.

In determining geographic regions and assignment of services, the Contractor shall consider current patterns related to obtaining services, using the New Hampshire Comprehensive Health Information System (NHCHIS https://nhchis.com/) claims data, and any other relevant health care data publicly available to the contractor. The NHID will provide the NHCHIS data directly to the Contractor. The Contractor shall also consider current and developing state infrastructure for travel in New Hampshire, and common travel patterns of residents. One of the primary objectives in revising the network adequacy rules is to allow for a more efficient health care
system that recognizes developing infrastructure, transportation, and other resources, including the availability of public transportation, particularly for low income residents. The Contractor should also seek to develop requirements that: permit the use of telemedicine in satisfying network adequacy standards, reduce opportunities for carriers to utilize risk selection strategies, and allow for better access to more cost effective care.

The revised network adequacy standard shall permit narrow or select networks to exist in New Hampshire. The Contractor shall develop standards that do not create provider monopolies or otherwise require a carrier to contract with any specific provider. Carriers shall have the option to contract with more than one health care provider to meet the network adequacy standard, or the requirement shall not apply.

The Contractor shall propose standards for appointment waiting times, utilizing NCQA/URAC standards whenever possible. Length of time until the next appointment shall be considered a standard for access that carriers are required to meet.

The Contractor shall assist the NHID in determining the hierarchy of requirements consistent with the model objectives. For example, if the carrier contracts with ninety percent of the primary care providers within a community, but cannot meet an appointment time standard, should anything be required of the carrier? Similarly, the standards should address the appropriate outcome in terms of network adequacy compliance when the carrier has offered a market-competitive contract, but the provider still chooses not to participate.

The Contractor shall assist the NHID in considering additional factors related to the network adequacy standards, including:

- Any federal requirements for exchange products
- Consequences for non-compliance
- Use of marketing restrictions
- Public disclosure requirements
- Carrier-proposed alternatives to ensure access to care (e.g., carrier initiated shuttle bus, mobile health care providers/technology)
- Differing needs of communities
- Impact on premiums of the network adequacy requirements
- Local availability of services
- Effective use of the NHID-initiated network adequacy workgroup
- Carrier network disclosure requirements
- NH Certificate of Need and development of a state health plan

The Contractor shall develop the template or reporting instructions carriers are required to file with the NHID to obtain network adequacy approval. The submissions may include attestations, data analysis, or alternative approaches developed by the Contractor.

The Contractor shall provide public monthly updates to the NHID network adequacy work group, beginning on or before April 10, 2015. The focus of these meetings will be on the assignment of procedures and the geographic parameters in the model. In consultation with the NHID, the Contractor shall consider any comments, data, or other documents provided by
attendees of the work group. The work group is an open, public group, without an established membership. Formal rulemaking through submission of the rules for approval should begin between July 1, 2015 and September 1, 2015. The NHID anticipates that the formal rulemaking process will take up to six months with public comment periods, and the majority of the work performed by the Contractor should take place prior to beginning the formal rulemaking phase.

**Budgets**

The budget is covered by federal Premium Rate Review grant funds and is: $200,000. The NHID will not accept proposals above this amount.

Evaluation of the submitted proposals will be accomplished as follows:

(A) **General.** An evaluation team will judge the merit of proposals according to the general criteria defined herein.

Officials responsible for the selection of a Contractor shall insure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications.

Failure of the applicant to provide in its proposal all information requested in the Request for Proposal may result in disqualification of the proposal.

(B) **Specific.** A comparative scoring process will measure the degree to which each proposal meets the following criteria:

1. Specific skills needed for evaluating access to health care services and analyzing community needs. Experience and demonstrated skills with health care administrative data, CPT/HCPC codes, health insurance carrier/TPA claims processing systems, data consolidation services, and health insurance. Skills consistent with producing presentations for public consumption and making information related to network adequacy and cost drivers understandable to the public. The Contractor must specify skills appropriate to managing data in the relevant areas in support of developing health policy. The proposal should demonstrate familiarity with insurance regulation and drafting administrative rules, including familiarity with the New Hampshire rulemaking process. The proposal must include a listing of references for recent engagements by the vendor that reflect the skills appropriate for work on this project, including telephone numbers and specific persons to contact.

   25 percent

2. General qualifications and related experience of the vendor. Knowledge of
   - New Hampshire health care providers
   - delivery of health care services, including behavioral health (including substance use disorders) and dental care
   - alternative health care providers
- geography of New Hampshire and travel patterns
- population dynamics
- community based health care systems
- factors influencing health status
- insurance markets
- the ACA
- insurance laws
- evolving health care markets
- general health care financing
- emerging insurance laws and insurance regulations

Experience demonstrated through formal training and experience commensurate with several years’ participation on professional committees, legislative committees, and performing analyses similar to the requirements listed in this RFP. Good communication skills and demonstrated ability to work with industry and regulatory personnel, and the public to achieve appropriate network adequacy regulation in New Hampshire. Industry experience is preferred. The proposal must include a summary of experience, including a current resume for each individual expected to perform work under the proposal.

25 percent

(3) Project plan, timeframe and deliverables. The proposal must provide a project plan and specify a timeframe in which the entity commits to project deliverables as they are developed. Required steps include monthly meetings and the formal rulemaking process. The proposal should be specific about the steps that will be taken by the vendor and reflect the requirements stated in this RFP.

30 percent

(4) Derivation of cost and staff time. The proposal must include the hourly or daily rate for individuals, and an estimate of the amount of time each person would be expected to expend on the project. The response required shall be sufficiently detailed to create a general expectation of the likelihood the project will be completed efficiently and with adequate staff commitments and expertise. Since overall cost is fixed in the RFP, the NHID review team will consider the effectiveness of the staff assigned and the contribution each staff member is anticipated to make to the projects. Bidders are encouraged to break down staff and associated time by each segment of the project.

20 percent

(C) **Conflict of Interest.** The applicant shall disclose any actual or potential conflicts of interest.

(D) **Other Information.** The New Hampshire Insurance Department will accept written questions related to this RFP from prospective bidders with the deadline being January
20, 2015. Questions should be directed to Al Couture via email: alain.couture@ins.nh.gov.

A consolidated written response to all questions will be posted on the New Hampshire Insurance Department’s website: www.nh.gov/insurance, by January 23, 2015.

Potential contractors may be interviewed by staff of the NHID. Bidders may submit a joint proposal with a partnering organization, but only one contract will exist between the state and a contracting entity.

The successful bidder or bidders will be required to execute a state of New Hampshire Contract. A form P-37 contains the general conditions as required by state of New Hampshire purchasing policies and the Department of Administrative Services. Although this standard contract can be modified slightly by mutual agreement between the successful bidder and the New Hampshire Insurance Department, all bidders are expected to accept the terms as presented in this RFP. Any required modifications to the P-37 must be explicitly stated in the proposal.

All proposals will be publicly opened at the above stated date and time. Proposals received after the above date and time will not be considered. The state reserves the right to reject any or all proposals.

The NHID plans to seek Governor and Council approval of the contract in the first week of March. This will allow less than a week for the NHID to obtain all necessary documentation for state contracts from the winning bidder, taking place between February 13th and 20th.

Bidders should be aware that New Hampshire’s transparency law, RSA 9-F, requires that state contracts entered into as a result of requests for proposal such as this be accessible to the public online. Caution should be used when submitting a response so that trade secrets, social security numbers, home addresses and other personal information are not included.