Questions received in response to 2021–SFG 103 – Legal and Policy Analysis of Formulary Review with answers from NHID

1. Is there specific functionality of either tool described in the RFP (SAS or Tableau) that NHID is intending to leverage for the purposes of the Formulary Review Tool?
    a. The specific functionality has not been determined but rather the intention is to deploy a tool for use by the form filing review team to efficiently review formularies to determine compliance with laws.
2. Has NHID previously engaged an outside vendor to advise on Patient Protection and Affordable Care Act (PPACA) requirements or compliance risks?
    a. Not for this specific project. The NHID has internal staff and consulting resources available to advise more generally on PPACA requirements.
3. Please provide clarification on the Department's expected deliverable(s) for written recommendations for the formulary review best practices? (Is NHID interested in "best practices" employed by other state insurance departments / regulators to determine insurers' compliance with state and federal law?)
    a. Recommendations may include best practices employed by other state insurance regulators, novel approaches to formulary review and effective formulary review practice recommendations from other sources.
4. Item (B)(1), Specific Skills needed, states that this RFP requires expertise with public policy and regulatory insurance law.
    a. An expert with public policy and regulatory insurance law is anyone with extensive experience developing consumer protection public policy, an attorney with expertise in laws regulating insurance, or who has proven understanding and experience with management of insurance regulation laws.
5. Since the contract expires August 18, 2021, what is the Department's anticipated timeline from beginning the project to submission of deliverables?
    a. The start date on the project will begin in April and is dependent on how quickly the selected organization can deliver the required paperwork for contract approval with Governor and Council.
    b. The end date of the project is August 18, 2021 since the project is being funded with grant funds that expire on that date.
    c. The details of the timeline should be developed by the selected organization and reviewed with NHID so that the timeline utilizes the vendors availability efficiently while delivering all requirements within the short timeframe.
6. Is NHID expecting the selected vendor to provide recommendations on revisions to New Hampshire's regulations / statutes to improve formulary designs and limit discriminatory formulary practices?
    a. That may be a recommendation that can be presented but is not an expectation at this time.
7. Is the written analysis of formulary laws, regulations, and policy guidance / FAQs intended to help inform internal stakeholders (e.g., NHID staff) or external parties (e.g., insurers, PBMs, consumers)?
    a. The analysis will inform internal stakeholders and likely external parties too.

8. Are the state and federal laws / regulations cited in the RFP all of the ones that NHID expects the vendor to review, or are there other statutes / regulations that the selected vendor will be expected to include in its analysis?
    a. The laws and regulations cited in the RFP were highlighted in the RFP as those that are relevant for regulating the formularies in NH. Any additional federal guidance relevant to the project should be considered by the vendor as well. Laws/regulations in other states can be included in the analysis if they are helpful to NH when considering best practices.
9. Are there particular components of the Essential Health Benefit Prescription Drug Benefit Review Tools available through CMS with which NHID has concerns?
    a. There are challenges with using the macro developed and limitations with the information captured by the tools.
10. Could NHID elaborate on those concerns and its goals for wanting to develop a new process?
    a. The NHID seeks to develop a new process for the review of formularies efficiently with a user-friendly interface that perhaps more readily identifies potentially discriminatory issues.
11. If a new process is recommended, is it NHID's intent to house and maintain a system in-house, or contract for access to a recommended system
    a. NHID’s intent would be house and maintain any tool developed in house.