

Gagliardi, Ben (HBE)

From: OConnor, Craig <Craig.Oconnor@ppsne.org>
Sent: Monday, July 16, 2018 2:56 PM
To: Gagliardi, Ben (HBE)
Cc: Sherman, Zachary (HBE); Smiley, Brett (GOV)
Subject: [EXTERNAL] : Re: Notice of Proposed Rulemaking for 220-RICR-90-00-1
Attachments: RICRF Letter on Proposed HSRI Regulations 7.16.18.pdf; HSRI Auto-renewal Policy final 5-12-17 (3).pdf

Dear Mr. Sherman and Mr. Gagliardi,

As members of the Rhode Island Coalition for Reproductive Freedom, we write in response to Notice of Proposed Rulemaking for [220-RICR-90-00-1](#), which will replace and supersede the Rules and Regulations Pertaining to the Rhode Island Health Benefits Exchange, R23-1-1-ACA. We specifically write to seek an amendment to these proposed regulations.

Proposed Amendment:

We request the addition of language substantially along the following lines to Section 1.8 of these proposed regulations:

1.8(D): Notwithstanding the other provisions of this section, HealthSource RI shall not auto-renew customers such that coverage in their new plan, as compared to their existing plan, adds or eliminates comprehensive coverage for abortion services, as defined in 45 C.F.R. § 156.280(d)(1). Customers who are not auto-renewed as a result of this subsection shall instead be sent a notice from HealthSource RI, in coordination with their Annual Open Enrollment Notice, that will provide an explanation regarding the reason they have not been auto-renewed and detail the steps they will need to take in order to select a plan for the upcoming year. This notice shall also provide a list of plans that do and do not cover comprehensive abortion services.

Explanation of Amendment:

On May 12, 2017, HealthSource RI issued the attached *Letter to Issuers Regarding HealthSource RI's Auto-Renewal Policy*. This policy guidance letter to carriers was issued after a long conversation between Planned Parenthood of Southern New England, the ACLU of Rhode Island, HealthSource RI, staff at EOHHHS, and other members of our Coalition.

The intention of this guidance is to ensure there is no repeat of the problems experienced by subscribers in the 2016 renewal period. Due to a change in law that established HealthSource RI as an entity within the Department of Administration, carriers were required to offer at least one plan that did not cover abortion services in each metal tier level, beginning with the 2016 plan year. It is estimated that around 9,000 Rhode Island residents were auto-renewed into plans that were modified in order to comply with the new law, and were at risk of losing coverage of abortion services.

Our proposed amendment to these regulations largely mirrors the guidance letter. The practice established by the letter should not be left to informal guidance, but instead should be part of the formal regulatory standards established by this regulation in setting out the auto-renewal process. We believe that this guidance should be codified in the regulations because it is a matter specifically related to the auto-renewal process and is of great importance to both insurers and the insured. The formal inclusion of this provision is, we submit, critical to protecting access to, and coverage of, abortion services and such a provision should not be subject, as it is now, to withdrawal at any time for any reason.^[1]

In short, in order to assure the commitment of HealthSource RI and the State in preventing a repeat of the fiasco that led to the issuance of the guidance letter, the substance of that letter to Issuers ought to be included in the formal “Rules and Regulations Pertaining to HealthSource RI.”

If the suggestion we have proposed is not adopted, we request that, pursuant to R.I.G.L. §42-35-2.6, you provide us with a statement of the reasons for not accepting our arguments.

Please respond to Craig O’Connor at craig.oconnor@ppsne.org or (401) 793-0005.

Thank you,

Craig R. O’Connor, Director of Public Policy and Government Relations, Rhode Island
Planned Parenthood of Southern New England

Steven Brown, Executive Director
American Civil Liberties Union of Rhode Island

Linda Katz, Policy Director
Economic Progress Institute

Hilary Levey Freidman, President
Rhode Island National Organization for Women

Emily White, MD, Chairperson
American Congress of Obstetricians and Gynecologists, Rhode Island

Kelly Nevins, Executive Director
The Women’s Fund of Rhode Island

John Wesley, Director of Policy and Advocacy
Rhode Island Coalition Against Domestic Violence

Jane Koster, President
League of Women Voters of Rhode Island

Jordan Hevenor
The Woman Project

Rev. Eugene Dyszlewski, Chair
Rhode Island Religious Coalition for Reproductive Freedom

Nicole Jellinek
National Council for Jewish Women

Enclosure

^[1] We note that both the HSRI guidance letter and our proposed amendment work in both directions, as they also do not auto-renew customers whose plan would change from one lacking comprehensive abortion coverage to one offering such coverage.

Craig R. O'Connor | Director of Public Policy and Government Relations, Rhode Island

[Planned Parenthood of Southern New England \[ppsne.org\]](https://www.plannedparenthood.org/locations/southern-new-england)

[Planned Parenthood Votes! Rhode Island \[facebook.com\]](https://www.facebook.com/plannedparenthoodvotesrhodeisland)

175 Broad Street, Providence RI 02903

(401) 793-0005

Support our work at www.plannedparenthoodvotes.org/donate [plannedparenthoodvotes.org] or text MYPPGIFT to 41444!

[Sign up for our advocacy emails \[plannedparenthoodvotes.org\]](https://www.plannedparenthoodvotes.org) - be sure to check box for Rhode Island.

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Rev. Eugene Dyszlewski, Chair
Rhode Island Religious Coalition for Reproductive Freedom

Nicole Jelinek
National Council for Jewish Women

Enclosure



Date: May 12, 2017

From: HealthSource RI

Title: 2018 Letter to Issuers Regarding HealthSource RI's Auto-Renewal Policy

HealthSource RI ("HSRI") is releasing this letter to carriers to describe a change in auto-renewal policy.

Effective for individual market plans beginning on or after January 1, 2018, HSRI will not auto-renew customers such that coverage in their new plan, as compared to their existing plan, adds or eliminates comprehensive coverage for abortion services, as defined in 45 C.F.R. § 156.280(d)(1). Should this policy result in a scenario in which there is no reasonable alternative plan into which a customer may be auto-renewed, the customer will not be auto-renewed.

Customers who are not auto-renewed as a result of this policy will be sent a notice from HealthSource RI, in coordination with their Annual Open Enrollment Notice, that will provide an explanation regarding the reason they have not been auto-renewed and detail the steps they will need to take in order to select a plan for the upcoming year. This notice will also provide a list of plans that do and do not cover comprehensive abortion services.