

2023 Summer National Meeting

Seattle, Washington

## REGULATORY FRAMEWORK (B) TASK FORCE

Sunday, August 13, 2023

12:15 – 1:00 p.m.

### Meeting Summary Report

The Regulatory Framework (B) Task Force met Aug. 13, 2023. During this meeting, the Task Force:

1. Adopted its Spring National Meeting minutes.
2. Adopted the report of the Accident and Sickness Insurance Minimum Standards (B) Subgroup, including its Aug. 7, July 24, July 10, June 29, May 15, April 24, April 17, and March 27 minutes. During these meetings, the Subgroup took the following action:
  - A. Completed its discussions of the comments received on Section 8—Supplementary and Short-Term Health Minimum Standards for Benefits of the *Model Regulation to Implement the Accident and Sickness Insurance Minimum Standards Model Act* (#171), specifically Section 8A—General Rules.
  - B. Completed its discussions of: i) the remainder of Section 8, including revisiting the proposed new subsection on short-term, limited-duration (STLD) plans and the discussion of the Feb. 24 comments received on that section; and ii) Section 7—Prohibited Policy Provisions.
  - C. Discussed the comments received on Section 9—Required Disclosure Revisions, including how the recently proposed federal rules on consumer disclosures for STLD plans and hospital indemnity and other fixed indemnity plans could affect proposed revisions to the section.
  - D. Discussed its upcoming work to continue its discussions of the Model #171 revisions and complete those revisions by the end of the year.
3. Adopted the report of the Employee Retirement Income Security Act (ERISA) (B) Working Group, which met Aug. 13 and took the following action:
  - A. Heard an update from the U.S. Department of Labor (DOL).
  - B. Discussed level-funded plans.
  - C. Received an update on the revisions to the NAIC chart on multiple employer welfare arrangements (MEWAs)/multiple employer trusts (METs) and association plans.
  - D. Met in regulator-to-regulator session, pursuant to paragraph 2 (pending investigations), paragraph 3 (specific companies, entities or individuals), and paragraph 8 (consideration of strategic planning issues) of the NAIC Policy Statement on Open Meetings.
4. Adopted the report of the Mental Health Parity and Addiction Equity Act (MHPAEA) (B) Working Group, including its March 23 minutes. The Working Group will meet Aug. 14. During this meeting, the Working Group plans to take the following action:
  - A. Hear presentations on autism treatment standards.
  - B. Meet in regulator-to-regulator session, pursuant to paragraph 8 (consideration of strategic planning issues) of the NAIC Policy Statement on Open Meetings.



5. Adopted the report of the Pharmacy Benefit Manager Regulatory Issues (B) Subgroup, including its July 27 minutes. During this meeting the Subgroup took the following action:
  - A. Adopted its April 17 minutes. During this meeting, the Subgroup exposed the pharmacy benefit manager (PBM) white paper for a 45-day public comment period ending June 1.
  - B. Adopted its Spring National Meeting minutes.
  - C. Adopted the PBM white paper and forwarded it to the Task Force for its consideration, which the Task Force received during the meeting.
  
6. Heard a panel presentation on prior authorization from representatives of the Leukemia & Lymphoma Society (LLS), the American Medical Association (AMA), and the Washington Office of the Insurance Commissioner. During the presentation, the panelists discussed patient and consumer experiences with prior authorization and how prior authorization requirements can create a barrier to care and be burdensome to physician practices. The panelists discussed opportunities and solutions for state insurance regulators to reform the prior authorization process and provided examples of how certain states, including Washington, are acting on those solutions to reform the prior authorization process. The panelists also discussed federal actions complementing state actions to reform the prior authorization process.