

October 5, 2018

Jillian Froment  
Director, Ohio Department of Insurance  
50 W. Town Street, Third Floor – Suite 300  
Columbus, OH 43215

**RE: Proposed changes to OAC 3901-8-16**

Dear Director Froment:

I am writing on behalf of the American Society of Plastic Surgeons (ASPS) regarding the proposed changes to OAC 3901-8-16. ASPS is the largest association of plastic surgeons in the world, representing more than 94 percent of all board-certified plastic surgeons in the United States – including 250 board-certified plastic surgeons in Ohio. Our mission is to advance quality care for plastic surgery patients and promote public policy that protects patient safety.

Following passage of the Affordable Care Act, insurers have created health plans with narrow, inadequate, and non-transparent physician networks. Following the growing prevalence of these “narrow networks,” patients have shown a limited understanding of the nuances of their plan, unknowingly receive “out-of-network” care, and are charged high out of pocket fees for their health care.

Therefore, we encourage the Ohio Department of Insurance (ODI) to adopt more explicit regulations on the provider directories outlined in Ohio Administrative Code (OAC) 3901-8-16(E). Patients rely on insurer-maintained provider directories to guide their healthcare choices. Therefore, insurance carriers must be held accountable for the information that they provide to patients and prospective patients. Patients and physicians should not be penalized when insurance carriers do not update their directories, causing responsible patients to unintentionally seek care from out-of-network providers. Therefore, OAC 3901-8-16(E) must include the following clause:

*If a patient receives care from a provider listed in the directory as participating, but unintentionally receives out-of-network care due to an inaccurate carrier directory, the carrier is required to compensate the provider at the provider’s billed rate at no expense to the patient beyond their regular cost-sharing obligation for in-network services.*

We request that you amend the proposal to hold insurance carriers accountable. Thank you for your consideration of our position on this important issue. Please do not hesitate to contact Patrick Hermes, Director of Advocacy and Government Relations, at [phermes@plasticsurgery.org](mailto:phermes@plasticsurgery.org) or (847) 228-3331 with any questions or concerns.

Sincerely,



Alan Matarasso, MD, FACS  
President, American Society of Plastic Surgeons

