



November 13, 2017

Ms. Lisa Larson  
Regulations Manager  
Maryland Insurance Administration  
200 St. Paul Pl., Suite 2700  
Baltimore, MD 21202  
Sent via email to: [networkadequacy.mia@maryland.gov](mailto:networkadequacy.mia@maryland.gov)

RE: Proposed Regulations under Title 31 Maryland Insurance Administration  
Subtitle 10, 31.10.45 (proposed)

Dear Ms. Larson,

Dominion National is a dental benefits insurer and administrator based in Arlington, VA with individual and group dental insurance business, both on and off exchange, throughout the State of Maryland. We are submitting comment on the proposed regulations noted above regarding dental network adequacy. We will address the three primary provisions within the proposed network adequacy regulation specific to distance to participating providers, appointment waiting times and essential community providers. Dominion National seeks to provide an outstanding customer experience and strives to develop networks that offer robust availability and timely access to dental providers of all types across all of our lines of business. However, we do have concerns regarding the regulation proposed.

Before commenting on the individual components of the proposed regulations we would like to raise the point that the proposed regulations step beyond the health benefit exchange marketplace into the broader commercial market. Competitive forces within the market are such that Dominion National is compelled to develop the most robust networks and associated plan offerings possible in order to earn and retain business. If we are not maintaining competitive networks the market will determine our success or failure. The proposed regulation regarding network adequacy should not apply to non-ACA/Healthcare Reform business.

#### Travel Distance Standards

We appreciate the differentiation between urban, suburban and rural as it pertains to travel distance standards. However, we must note concern regarding the same requirements being applied across all specialty types. In rural areas, and even in certain suburban areas, the presence of certain specialty types can be quite limited or even non-existent, even with 75 miles as the maximum distance. Any proposed regulation should take into account the number of practicing specialists of any given type with appropriate expectations regarding distance to travel. Further, as specialists become more scarce the desire to participate in networks diminishes considerably often to the point that no agreement for participation can be reached. While we recognize the availability of the request for a waiver, to rely on the waiver process is unduly burdensome when carriers may be required to request a waiver nearly every year. Dominion recommends that the travel distance standards for providers other than general dentist be stricken from the proposed regulations. We also recommend that travel distance should be measured from an enrollee's residence or workplace.

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The Dominion National group of companies includes Dominion Dental Services, Inc., a licensed issuer of dental plans, and Dominion Dental Services USA, Inc., a licensed administrator of dental and vision benefits. Vision plans are underwritten by Avalon Insurance Company.

### Appointment Time Standards

As a consumer oriented company we have long established goals with regard to the expectations of providers for scheduling appointments with our members. Our goals exceed those presented in the proposed regulations. However, for practical purposes, we monitor waiting times through our member services function wherein we can assist members when there is an indication that they are unable to schedule an appointment with a provider in a timely manner. Further, appointment waiting times do not necessarily reflect network adequacy as there are many factors affecting the waiting time that we are not able to control. The providers that participate in our networks also participate in many other networks while also working with patients that have no insurance coverage. This mitigates our ability to affect the providers' appointment availability specifically for our members.

To gather information and to determine appointment waiting times presents a significant administrative and cost burden on carriers while also placing an undue burden on the providers participating in networks, assuming they will respond quickly and appropriately to the myriad of surveys or other similar tools they will be requested to complete for each carrier they work with. This will very likely lead to minimizing network participation in many carriers to only a few carriers thereby diminishing access for our members.

To determine waiting times for appointments also entails knowing when a member called and when they received an appointment. It is unrealistic to believe that the provider will track this information and it is not possible for the carrier to know when a member is calling for an appointment. Also with our PPO business, enrollees are not required to choose a provider so we do not have knowledge of which provider they are seeing until a claim comes in. For our DHMO providers, the proposed regulation would require burdensome reporting requirements that may jeopardize their participation, which would have a serious effect on access to affordable plans and care. We would request appointment waiting time reporting requirements be stricken from the proposed regulations.

### Essential Community Providers

Dominion National is pleased to participate with essential community providers as these organizations provide access to under-served areas and may sometimes be the only source of care. However, the language in the regulation is too broad as it refers to ECPs in general with regard to the 20% requirement. Not all ECPs provide dental services. It should also be noted that many ECPs do not have the mechanism to accept insurance carrier payment mechanisms such as capitation or even fee-for-service. Dominion recommends that the travel distance standard with respect to ECPs be stricken from the proposed regulations.

We are glad to discuss our comments on network adequacy with you further. We would expect that many of our peer dental carriers will be providing similar comment. We note that a public hearing has not yet been scheduled but we would also be glad to participate in any such hearing.

Sincerely,



Mike Davis  
President

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