



10480 Little Patuxent Parkway, Ste 910, Columbia, MD 21044. Office 410-992-4258. Fax: [410-992-7732](tel:410-992-7732). www.marylandpsychology.org

March 27, 2023

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200 St. Paul Place, Suite 2700
Baltimore, MD 21202
Email only: insuranceregreview.mia@maryland.gov

Re: Notice of Proposed Action, 22-368-P
31.10.44 Network Adequacy

Dear Ms. Larson:

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral level psychologists throughout the state, appreciates the opportunity to submit comments on the proposed Network Adequacy Regulations. The Maryland Psychological Association recognizes and appreciates your efforts to ensure that Maryland's citizens are able to access needed mental health and substance abuse services in a timely fashion and within a reasonable geographic distance.

The Maryland Psychological Association is one of the organizations which has signed on to the letter and comments submitted by the Legal Action Center. In addition, we would like to take this opportunity to emphasize several specific issues:

I. Appointment Waiting Time Standards – 31.10.44.06

The appointment waiting time standard is the single greatest measure of network adequacy. We have significant concerns about the carriers' ability to effectively develop and implement a valid and reliable survey to evaluate their own network's appointment wait times.

We, therefore, ask that the MIA utilize its own centralized survey to evaluate each carrier's appointment wait time. This will ensure more reliable responses from practitioners and a valid and reliable methodology. In addition, we ask that the MIA develop a process to ensure that the survey include appropriate questions regarding the skills and expertise of the practitioners.

II. Telehealth – 31.10.44.08

We appreciate and recognize the changes and clarifications the MIA has made with regard to in-person services. We remain concerned, however, with regard to the use of the

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telehealth credit. Our experience is that treating practitioners and carriers recognize the importance of telehealth in the appropriate circumstances and we have not seen any data to suggest that carriers need to be incentivized to build out their telehealth services. In fact, we see evidence that many carriers are trying to develop their own specialty telehealth networks which can interfere with the consumer's ability to see the same practitioner via telehealth and in the office as their needs and circumstances change.

We strongly urge the MIA to postpone the use of the telehealth credit until additional data has been gathered regarding its appropriate use.

III. Network Adequacy Waiver Standards – 31.10.44.09

Meetings, surveys, and other information obtained from Maryland Psychological Association members shows that carriers could easily meet network standards if contracted rates were more in-line with our members' education, skills, and training. We, therefore, support the requirement that carriers submit detailed information about their efforts to satisfy network requirements when they do not meet one or more standards specified in .05 – .07. and to require the MIA to post any waiver that has been granted. We also ask that this detailed information be made available to the legislature, other policy makers, and by request to other stakeholders.

Thank you for your efforts and your consideration.

Respectfully submitted,

Rebecca Resnik, Psy.D.
Rebecca Resnick, Psy.D.
President

R. Patrick Savage, Jr., Ph.D.
R. Patrick Savage, Jr., Ph.D.
Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association
Barbara Brocato & Dan Shattuck, MPA Government Affairs