

Technical Advisory Interpreting 28 Pa Code §9.684(a)(3)(Relating To Continuity of Care) Regarding Notification of Enrollees Affected by the Termination of Non-Primary Care Providers/Specialists by a Managed Care Plan

Article XXI of the Insurance Company Law of 1921 (40 P.S. §§991.2101- 991.2193), commonly referred to as “Act 68,” and the Pennsylvania Department of Health’s (the Department) regulations relating to managed care organizations (28 Pa. Code ch. 9), establish the requirements for continuity of care for health plan providers. (See 40 P.S. § 991.2117 and 28 Pa. Code § 9.684).

The Department wants to ensure that contracts are clear when addressing continuity of care as it pertains to Non-Primary Care Providers/Specialists that have been terminated. The regulations state:

If a provider who is terminated is not a primary care provider, the plan shall notify all affected enrollees identified through referral and claims data.

28 Pa. Code § 9.684(a)(3). The Department interprets “all affected enrollees” as those enrollees with open referrals or authorizations and claims filed or processed within the 12 months preceding the termination. These members must be notified that the provider is no longer in the network.

Comments, suggestions or questions should be directed to the Bureau of Managed Care at phone number 717-787-5193 or in writing to the attention of William Wiegmann, Director, Division of Certification, Bureau of Managed Care, 912 Health and Welfare Building, Harrisburg, PA 17120.