

**MEETING MINUTES:
MARKET OVERSIGHT AND TRANSPARENCY COMMITTEE**

Meeting of May 10, 2023

MASSACHUSETTS HEALTH POLICY COMMISSION

Market Oversight and Transparency Committee
Health Policy Commission
50 Milk Street, 8th Floor
Boston, MA

Docket: Wednesday, May 10, 2023, 9:30 AM

PROCEEDINGS

The Massachusetts Health Policy Commission's (HPC) Market Oversight and Transparency (MOAT) Committee held a virtual meeting on Wednesday, May 10, 2023, at 9:30 AM.

Members attending remotely included Dr. David Cutler (Chair), Ms. Patricia Houpt, Mr. Ron Mastrogiovanni, and Ms. Martha Kwasnik, designee for Secretary of Administration and Finance Matthew Gorzkowicz.

Ms. Deborah Devaux (HPC Chair), Mr. Martin Cohen (HPC Vice Chair), Ms. Barbara Blakeney (Chair, Care Delivery Transformation), and Dr. Matilde Castiel were also in attendance virtually.

The [meeting notice and agenda](#) and the [presentation](#) from the meeting can be found on the [HPC's website](#). A recording of the meeting can be found on the [HPC's YouTube Channel](#).

ITEM 1: Approval of Minutes

Dr. Cutler called for a motion to approve the minutes from the October 12, 2022 meeting. Mr. Mastrogiovanni made the motion to approve, and Ms. Houpt seconded. The vote was by roll call. The motion was approved with three votes in the affirmative and one abstention.

Dr. Cutler called for a motion to approve the minutes from the February 15, 2023 meeting. Mr. Mastrogiovanni made the motion to approve, and Ms. Houpt seconded. The vote was by roll call. The motion was approved with three votes in the affirmative and one abstention.

Dr. Cutler turned the presentation over to Mr. David Seltz, Executive Director, who provided a brief overview of the agenda for the meeting. Mr. Seltz turned the meeting to Chair Devaux to share opening remarks.

ITEM 2: Research Presentation (DataPoints Issue #24): Persistent Cost-Sharing for Contraception in Massachusetts, 2017 – 2020

Dr. Cutler turned the meeting back to Mr. Seltz, who introduced the HPC's DataPoints series and the presentation of [DataPoints Issue #24: Persistent Cost-Sharing for Contraception in Massachusetts, 2017-2020](#). Mr. Seltz turned the presentation over to Dr. Sasha Albert, Associate Director, Research and Cost Trends (RCT), who provided background and findings from research regarding persistent cost-sharing for contraception in the Commonwealth. For more information, see slides 7-14.

Dr. Cutler asked whether oral contraception becoming accessible over the counter could result in an increase in out-of-pocket spending for consumers if it would then no longer be covered by insurance. Dr. Albert said that staff do not have insight into how over-the-counter birth control medication would be priced, but it was possible that patients could end up paying more for an over-the-counter medication that they could have gotten for free with a prescription and that cost may be a barrier to access. Dr. Cutler asked if Dr. Albert knew the share of pregnancies in Massachusetts that are unintended. Dr. Albert said that nationally the figure is about half of all pregnancies.

Ms. Houpt asked whether coding issues could be responsible for the deductibles or higher co-pays seen in the data for IUD follow-up procedures. Dr. Albert said that the 2021 guidance from the Health Resources and Service Administration (HRSA) on the affordable care act mandates specifically clarified that follow-up care needs to be included and noted that the data predates the updated guidance. She said that it is unclear whether coding is responsible for the cost of IUD follow-up care to patients, but the updated guidance sought to address confusion regarding these services. Regarding the increase in the cost of brand name oral contraception, Ms. Houpt asked about an exceptions process for patients who are allergic or have other problems with the generic substitute. Dr. Albert confirmed that insurance plans are required to have an exceptions process so that patients can access forms

of contraception that are not on their plan formularies. Ms. Houpt said that patients may not know that they have that option available to them and therefore could be paying out of pocket for something that should be covered in full. Dr. Albert noted that it is difficult to rely entirely on patient self-advocacy to resolve those gaps.

Ms. Kwasnik said that the Division of Insurance (DOI) put out an FAQ on the access law which covers questions regarding the exception process for patients and noted that that could be used as an additional resource.

Mr. Seltz said the DOI FAQ would be linked online with this DataPoints issue.

ITEM 3: Findings from the 2023 Health Care Cost Trends Report: Excessive Provider Pricing in the Massachusetts Health Care System

Mr. Seltz provided a brief introduction to the presentation of the findings from the *2023 Health Care Cost Trends Report* regarding excessive provider pricing in Massachusetts, noting that this presentation was a preview to the findings within the full Cost Trends Report. Mr. Seltz turned the presentation over to Dr. David Auerbach, Senior Director, Research and Cost Trends, to present on those findings within chapter two of the annual cost trends report. For more information, see slides 15-59.

Dr. Cutler asked about a possible follow-on effect of the policies to address outlier prices of encouraging the price of other services to increase as providers try to make up revenue elsewhere. Dr. Auerbach said that the HPC's consultations on this issue suggested a comprehensive approach, by working to limit overall costs, as well as go directly after excessive prices. Dr. Cutler asked if, following Rhode Island's passage of affordability standards in 2010, there was information on how hospitals responded financially to having price growth constrained. Dr. Auerbach said that the study did not dig deep into underlying cost reports regarding how the Rhode Island hospitals cut costs, but that was an area for further inquiry.

Ms. Houpt asked how the HPC should address the issue of upcoding, which is a pervasive problem in the health care system. Dr. Auerbach said the HPC will continue to study the coding issue and has visibility into it with total spending data, but that coding is not captured in the Ms. Houpt said that she does not want the HPC to miss that discussion in the final recommendations.

ITEM 4: Schedule of Upcoming Meetings

Mr. Seltz turned the presentation over to Ms. Coleen Elstermeyer, Deputy Executive Director, to provide an overview of the upcoming public meetings. For more information, see slides 46-47.

ITEM 5: Reducing Unnecessary Administrative Complexity

Mr. Seltz introduced the presentation on reducing administrative complexity and turned the meeting to Ms. Kara Vidal, Director of Health System Planning & Performance, MOAT. Ms. Vidal presented on reducing unnecessary administrative complexity through the automation of prior authorization. For more information, see slides 50-56.

ITEM 6: Guest Presentation from The Network for Excellence in Health Innovation (NEHI): Automation of Prior Authorization

Ms. Vidal introduced the guest speakers from the Network for Excellence in Health Innovation (NEHI) and the Massachusetts Health Data Consortium (MHDC). The guest speakers included Lauren Bedel (NEHI), Wendy Warring (NEHI), Denny Brennan (MHDC), and David Delano (MHDC). The presentation featured research on Prior Authorization Automation and recommendations for the HPC. For more information, see slides 57-96. A recording for their presentation can be found on the HPC's [YouTube Channel](#).

ITEM 7: ADJOURNMENT

Dr. Cutler thanked the commissioners and adjourned the meeting at 11:42 AM.