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August 17, 2011

Delivery via E-mail

Ms. Connie Gallietti
Executive Director
Florida Psychological Association
408 Office Plaza Drive
Tallahassee, FL 32301-2757

Dear Ms. Gallietti:

Thank you for your letter and attachments of August 10, 2011 to Commissioner Kevin McCarty regarding Blue Cross Blue Shield of Florida (BCBSFL) and its recent notification that it is partnering with New Directions Behavioral Health, LLC to provide covered mental health services. Commissioner McCarty has referred your letter to me for response.

I have contacted BCBSFL to discuss your concerns. I have learned the following:

- BCBSFL is working with New Dimensions (ND) and ND will send out a clarification letter to providers. The first letter was unclear and ND does not intend to enforce the 15-day deadline referenced in the original letter. Providers will have more time to review the contract and make a decision.
- BCBSFL is working with ND to effectuate several changes to the provider contract, including:
 - Changing the choice of law forum from Missouri to Florida.
 - Adjusting the wording in several paragraphs to clarify that patients in a PPO can receive treatment from a nonparticipating provider and pay the out-of-network charges, or a patient in an HMO can receive treatment from a nonparticipating provider, but there will not be any coverage.
 - Adjust the wording to clarify that ND cannot dictate the scope of practice of a participating provider.
- BCBSFL, prior to the changeover, will conduct a computer search for patients who have nonparticipating providers and send them an informational letter notifying them of the changes.

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MARY BETH SENKEWICZ • DEPUTY COMMISSIONER OF LIFE AND HEALTH
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Ms. Connie Gallietti
August 17, 2010
Page two

Also, I raised adequacy of reimbursement and network issues with BCBSFL. The company assures me that BCBSFL will still be paying the claims, and has robust standards to ensure that reimbursement rates and numbers of participating providers will be adequate.

With respect to federal mental health parity issues, BCBSFL states it is reviewing the matter with its outside counsel to ensure compliance with federal law. I would note that the Office of Insurance Regulation has no jurisdiction with respect to enforcement of federal law.

Thank you for bringing this matter to the attention of this Office. If you have any further concerns as the transition rolls out, please do not hesitate to contact me directly at Marybeth.senkewicz@flor.com or 850-413-5104.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Beth Senkewicz", with a stylized flourish at the end.

Mary Beth Senkewicz

Cc: The Honorable Jeff Atwater, Chief Financial Officer
The Honorable Kevin McCarty, Commissioner, Florida Office of Insurance Regulation
Mark McGowan, Assistant General Counsel, Blue Cross Blue Shield of Florida