

## **H.R. 105 – THE QUALITY HEALTH CARE COALITION ACT**

Antitrust laws are designed to prevent restraints on trade that harm consumers and less powerful competitors. However, in 1945, Congress passed the McCarran-Ferguson Act, which exempted certain insurance practices from federal antitrust laws. Over the past several decades, the health insurance market has become exceedingly concentrated, and this antitrust exemption – together with the recent health care industry consolidations – has enabled a select few health plans to dominate the health care market. In many states, there may only be one dominant insurer in the private insurance market. As a result, physicians are frequently placed in positions of diminished bargaining strength, and health plans are able to impose unilateral, non-negotiable contracts.

These contracts give insurers the power to deny patients access to optimal care, and impose costly administrative burdens on physicians that further limit their ability to provide care. **The AAOS believes that Congress must pass legislation to allow equitable negotiations between physicians and health insurance plans to ensure access to quality care.**

### **Why H.R. 105 Matters:**

Allowing physicians to negotiate with dominant insurers on a level playing field ensures heightened quality standards for patient care, removes administrative barriers, and allows physicians to engage in care coordination endeavors without fear of antitrust prosecution. **The antitrust relief provided in this legislation is an important step in protecting physician practices and ensuring patient access to affordable health care is not compromised as a result of insurer monopsony.**

### **H.R. 105 – the Quality Health Care Coalition Act – Will:**

- **Provide protection from federal antitrust prosecution:** H.R. 105 protects health care professionals who are engaged in contractual negotiations with a health plan for the delivery of health care services from federal antitrust prosecution.
- **Increase physicians' ability to negotiate meaningful contracts:** This legislation enables health care professionals to negotiate meaningful contracts that deliver high-quality health services and protect patient safety, while also bending the cost curve by cutting wasteful spending.
- **Expand the health care workforce:** This bill expands patients' access to care by attracting a new generation of qualified clinicians to replace a dwindling healthcare workforce.
- **Remove administrative barriers to high-quality care:** This legislation improves the public's access to high-quality care by removing administrative barriers that typically bar health professionals from negotiating to provide the best care.
- **Promote coordination of health care:** H.R. 105 allows health care providers to engage in care coordination endeavors, including participation in Accountable Care Organizations (ACO), without fear of antitrust prosecution.

### **What Congress Should Do:**

**Congress should support the passage of the *Quality Health Care Coalition Act* into law.**