The Alliance to Fight for Health Care

Advancing employer-provided coverage

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Alliance to Fight for Health Care joins stakeholders in urging Congress to advance the Healthy Competition for Better Care Act

Today, the **Alliance to Fight for Health Care** joined 25 organizations, employers, unions, and other health care stakeholders in urging Congressional leaders to advance the bipartisan, bicameral ***Healthy Competition for Better Care Act* (H.R. 6248/S. 4027),** legislation designed to give patients and employers greater freedom to seek high-quality, lower-cost health care.

The letter, organized by the **Alliance to Fight for Health Care**, reminds congressional leaders that "the ***Healthy Competition for Better Care Act*** advances a simple principle: patients should have access to affordable, high-quality care options, and no one should block them from identifying and choosing those options."

"Employers are working every day to make health care more affordable for employees and their families, but they cannot do it if contracts prevent them from using the very price and quality information that Congress has worked to make more transparent," said **Katy Johnson**, president of the **American Benefits Council**. "The Healthy Competition for Better Care Act is a commonsense next step. Patients should be able to know where they can get better care at a better price, and employers should be able to help them get there," **Johnson** said.

Specifically, the ***Healthy Competition for Better Care Act*** would prohibit group health plans and health insurance issuers from entering into anti-competitive contracting agreements with hospitals, provider networks, or other covered entities that:

- Restrict a health plan's ability to offer participants the option of seeing other qualified health care providers not party to that agreement;
- Prohibit a plan from offering patients incentives to encourage the use of providers who deliver high-quality, cost-effective care;
- Require a plan to enter into additional agreements with a provider's affiliated entities as a condition of coverage; or
- Force one health plan's negotiated rates to be tied to the rates paid by a different, unrelated plan.

Text of the stakeholder letter

Background information on anticompetitive contracting:

A **recent analysis** from the White House Council of Economic Advisers (CEA) provides helpful explanations on anticompetitive contracting, stating that:

- Anti-steering, anti-tiering, and all-or-nothing bundled contracting are mechanisms by which dominant hospital systems insulate themselves from price competition: anti-steering prohibits insurers from directing patients toward lower-cost providers; anti-tiering is one form of anti-steering that bars insurers from placing the dominant system in a less favorable benefit tier; and all-or-nothing contracting requires insurers to accept every hospital and affiliated physician in the

system or none at all.

- Anti-steering clauses prevent insurers from offering patients financial incentives—lower copays, reduced deductibles—to choose lower-cost providers.

- Anti-tiering clauses specifically require the insurer to place the dominant system in the most favorable cost-sharing tier regardless of price, restricting the insurer's ability to make enrollees sensitive to differences between hospitals' prices through plan design.

- All-or-nothing bundled contracting requires the insurer to include all of the dominant system's hospitals and affiliated physicians in-network or none at all, blocking selective contracting and preventing rivals from gaining the patient volume they need to compete.

- These three clause types typically appear together.

The **Alliance to Fight for Health Care** is a broad-based coalition comprised of businesses, patient advocates, employer organizations, unions, health care companies, consumer groups and other stakeholders that support employer-provided health coverage. Together, we are working to ensure that employer-provided coverage remains an available and affordable option for working Americans and their families.

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