February 12, 2019

The Honorable Steve Daines
U.S. Senate
320 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Patrick J. Leahy
U.S. Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Senators Daines and Leahy:

On behalf of the more than 80,000 members of the American College of Surgeons, I write to express the College’s support for S. 350, the Competitive Health Insurance Reform Act, which would repeal the antitrust exemptions for the health insurance industry provided by the McCarran-Ferguson Act of 1945.

Over the past several decades, the health insurance market has become extremely concentrated. Antitrust exemptions and health insurance industry consolidations have enabled a select few health plans to dominate the health insurance market. In many states, there may only be one dominant insurer in the private insurance market. While insurers are still subject to antitrust enforcement involving mergers and acquisitions, under the current federal antitrust exemption insurers are able to meet, share information, and agree on pricing for premiums. As a result, physicians are frequently placed in positions of diminished negotiating strength, and health plans are able to impose unilateral, non-negotiable contracts.

The College believes the Competitive Health Insurance Reform Act is an important step forward in helping to level the negotiating playing field between providers and health plans. The ACS thanks you for your efforts and leadership on this complex issue.

Sincerely,

David B. Hoyt, MD, FACS
Executive Director