

SENATE JOINT RESOLUTION 6

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CF 11r2139

By: **Senator Middleton**

Introduced and read first time: February 4, 2011

Assigned to: Finance

SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Safe Harbor Legislation and Regulations Needed to Form Accountable Care**
3 **Organizations**

4 FOR the purpose of urging the United State Congress and the Federal Trade
5 Commission to pass legislation and adopt regulations establishing certain safe
6 harbors that will allow physicians to collaborate in certain health insurance
7 marketplaces and form accountable care organizations; and generally relating
8 to safe harbor legislation and regulations needed for accountable care
9 organizations.

10 WHEREAS, Federal antitrust law, including the Clayton Antitrust Act, has
11 restricted the ability of physicians to collaborate; and

12 WHEREAS, Within the last 10 years an increase in the concentration of the
13 health insurance industry has resulted in most health insurance marketplaces being
14 dominated by one or two large carriers; and

15 WHEREAS, CareFirst presently controls between 65% to 80% of the health
16 insurance marketplace in Maryland; and

17 WHEREAS, The high concentration of insurer control of health insurance
18 marketplaces places physicians in an unfair negotiating position with the insurers
19 that control the marketplaces; and

20 WHEREAS, The passage of recent federal health care legislation included
21 provisions promoting the formation of accountable care organizations; and

22 WHEREAS, Accountable care organizations must be formed to provide high
23 quality health care coverage for Americans; and

24 WHEREAS, The ability of physicians to effectively form accountable care
25 organizations is hindered by the interpretation and enforcement of federal antitrust
26 law; and



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1 WHEREAS, Physicians can form accountable care organizations only if
2 antitrust safe harbors are developed; and

3 WHEREAS, The Federal Trade Commission is considering proposals to develop
4 antitrust safe harbors for physicians collaborating to form accountable care
5 organizations; now, therefore, be it

6 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the
7 General Assembly of Maryland urges the United States Congress and the Federal
8 Trade Commission to pass legislation and adopt regulations that will establish
9 antitrust safe harbors for physicians to collaborate in health insurance markets
10 dominated by one or two health insurers and form accountable care organizations; and
11 be it further

12 RESOLVED, That a copy of this Resolution be forwarded by the Department of
13 Legislative Services to the Honorable Harry Reid, United States Senate Majority
14 Leader, Senate Office Building, Washington, D.C. 20510; the Honorable John Boehner,
15 Speaker of the United States House of Representatives, House Office Building,
16 Washington, D.C. 20515; the Honorable Jon Leibowitz, Chairman of the Federal Trade
17 Commission, 600 Pennsylvania Avenue, Washington, D.C. 20580; and the Maryland
18 Congressional Delegation: Senators Barbara A. Mikulski and Benjamin L. Cardin,
19 Senate Office Building, Washington, D.C. 20510; and Representatives Andrew P.
20 Harris, C. A. Dutch Ruppersberger, III, John P. Sarbanes, Donna Edwards, Steny
21 Hamilton Hoyer, Roscoe G. Bartlett, Elijah E. Cummings, and Christopher Van
22 Hollen, Jr., House Office Building, Washington, D.C. 20515.