

## McCarran-Ferguson Repeal for Health Insurance

As the nation's oldest and largest dental professional organization, representing over 161,000 members, the American Dental Association (ADA) strongly supports amending the McCarran-Ferguson Act (passed into law in 1945) to authorize the Federal Trade Commission and the Justice Department to enforce the full range of federal antitrust laws against health insurance companies engaged in anticompetitive conduct.

"The Competitive Health Insurance Reform Act" H.R. 372 passed the House by an overwhelming majority last year. The ADA and other stakeholders are continuing to work on a Senate version of the bill and hope to have a bill introduced soon. This bill does not interfere with the states' ability to maintain and enforce their own insurance regulations, antitrust statutes, and consumer protection laws. Because states vary in their enforcement efforts, the impact of repeal on health insurance companies would differ from state to state.

This is no different from the situation faced by other businesses. Modern antitrust law is flexible enough to allow for a weighing of a particular business practice's potential procompetitive benefits against any potential anticompetitive harms.

The bill is narrowly drawn to apply only to the business of health insurance, including dental insurance, and would not affect the business of life insurance, property or casualty insurance, or any other similar insurance areas.

Repeal of the antitrust exemption for health insurance companies would help interject more competition into the insurance marketplace by authorizing greater federal antitrust enforcement in instances where state regulators fail to or cannot act. Promoting lower prices, greater consumer choice, and increased innovation through robust competition is the role of the antitrust laws.

When competition is not robust, consumers are more likely to face higher prices and less likely to benefit from innovation and variety in the marketplace.

**The American Dental Association and the American Academy of Pediatric Dentistry urge you to support repeal of the antitrust exemption for health insurance companies.**

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