

HB 723 -- Joint Negotiations of Physicians

Sponsor: Cooper (155)

This bill allows two or more independent physicians to jointly negotiate with a health insurance carrier to engage in related joint activities involving nonfee-related matters. Physicians engaged in joint activities involving fees and fee-related matters may do so when the Attorney General has determined that a carrier has substantial market power to threaten the quality and availability of patient care.

Before a physician may enter into negotiations, a joint negotiation representative must meet certain requirements and submit certain information and a fee to the Attorney General for approval. Physicians are permitted to communicate with each other and the representative regarding contractual terms; however, the representative will have the sole authority to negotiate with the carrier on behalf of the physicians.

When an agreement has been reached between the representative and a carrier, a copy of the proposed rule must be submitted to the Attorney General for approval. If the Attorney General has not made a decision within 30 days, the representative may petition a court for an order requiring the Attorney General to take action. In the event an agreement cannot be reached or negotiations end, the representative must report the information to the Attorney General within 14 days.

Once an agreement has been arranged, a carrier must negotiate in good faith and meet at reasonable times.

The Attorney General must report to the Governor and the General Assembly no later than August 28, 2008, on the implementation of the provisions and any recommendations to expand the provisions to include other types of health care professionals and facilities.