

105TH CONGRESS
2D SESSION

H. R. 4277

To ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations by groups of health care professionals and certain other associations that are engaged in negotiations with health maintenance organizations and other health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 1998

Mr. CAMPBELL introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations by groups of health care professionals and certain other associations that are engaged in negotiations with health maintenance organizations and other health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Quality Health-Care
3 Coalition Act of 1998”.

4 **SEC. 2. APPLICATION OF THE ANTITRUST LAWS TO**
5 **GROUPS OF HEALTH CARE PROFESSIONALS**
6 **AND OTHER ASSOCIATIONS PURCHASING**
7 **HEALTH INSURANCE COVERAGE.**

8 (a) IN GENERAL.—The members of any group of
9 health care professionals, or of any association maintain-
10 ing an arrangement to which State licensure laws do not
11 apply by reason of supersession of State law by title I of
12 the Employee Retirement Income Security Act of 1974,
13 which is negotiating with a health insurance issuer, li-
14 censed under State law to offer health insurance coverage
15 directly to individuals or to groups of individuals, in order
16 to purchase such coverage from such issuer, shall, in con-
17 nection with such negotiations, be entitled to the same
18 treatment under the antitrust laws as that which is ac-
19 corded to members of a bargaining unit recognized under
20 the National Labor Relations Act.

21 (b) DEFINITIONS.—For purposes of this section—

22 (1) HEALTH INSURANCE COVERAGE; HEALTH
23 INSURANCE ISSUER.—The terms “health insurance
24 coverage” and “health insurance issuer” have the
25 meanings provided such terms under paragraphs (1)
26 and (2), respectively, of section 733(b) of the Em-

1 ployee Retirement Income Security Act of 1974 (29
2 U.S.C. 1191b(b)(1), (2)).

3 (2) ANTITRUST LAWS.—The term “antitrust
4 laws” has the meaning given that term in the first
5 section of the Clayton Act and includes section 5 of
6 the Federal Trade Commission Act to the extent
7 that such section relates to unfair methods of com-
8 petition.

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