

## HEALTH ISSUES

Alert No. 2020-H-11

December 29, 2020

### Congress Passes Repeal of Health Insurance Anti-Trust Exemption

Last Tuesday, the U.S. Senate passed the [Competitive Health Insurance Reform Act of 2020](#). The bill would lift the federal (McCarran-Ferguson) anti-trust exemption for health insurers and give the Department of Justice and the Federal Trade Commission (FTC) authority over state-based health insurance markets. The bill contains exemptions for insurers “(A) to collect, compile, or disseminate historical loss data; (B) to determine a loss development factor applicable to historical loss data; (C) to perform actuarial services if such contract, combination, or conspiracy does not involve a restraint of trade; or (D) to develop or disseminate a standard insurance policy form (including a standard addendum to an insurance policy form and standard terminology in an insurance policy form) if such contract, combination, or conspiracy is not to adhere to such standard form or require adherence to such standard form.”

The bipartisan measure was unsuccessfully fought by state insurance commissioners and health insurers, while it was supported by certain providers and consumer organizations. The U.S. House of Representatives passed the bill in September 2020, and the bill now moves to President Trump’s desk for signature. He is expected to sign the legislation.

---

If you have any questions regarding this *Academy Alert*, please contact Matthew Williams, senior health policy analyst ([williams@actuary.org](mailto:williams@actuary.org); 202-868-7001).

© Copyright 2020 American Academy of Actuaries. All Rights Reserved.