

## LEVELING THE PLAYING FIELD

**W**E ARE FORTUNATE THAT ORGANIZED DENTISTRY IS VIGILANT AND PROACTIVE REGARDING THE many issues confronting our profession. One of the areas of concern that bears watching is our relationship with the insurance industry.

Recently, the Massachusetts Dental Society petitioned successfully to the State Insurance Commissioner to eliminate the 5 percent discount by Delta Dental and to change the methodology by which Delta caps the maximum allowable fees. This will have a positive effect on the practice of dentistry. This success was the result of nearly five years of study and efforts by a task force set up by the MDS House of Delegates in 2004. The task was cumbersome, but it is certainly in dentistry's best interest to be cognizant and monitor the actions of insurance companies.

The insurance industry plays an important role in improving the availability of dental services to the public. Many people would not seek care if they did not have the assistance of dental insurance. But make no mistake about it—dental insurers are in business to make money, not to provide care.

Another example of organized dentistry's vigilant efforts to protect its members' interests is in the area of antitrust legislation. Nearly 65 years ago, the insurance industry (including health insurance) successfully lobbied for an exemption from the federal antitrust laws. This exemption is the McCarren-Ferguson Act, and it has far-reaching, anticompetitive, industry-wide effects. There are ramifications from this act in that dentists, their patients, and the public health are all negatively affected. Essentially, McCarren-Ferguson diminished competition among dental insurers. Antitrust laws forbid dentists from discussing fees and from collaborating in anticompetitive practices, thus ensuring healthy competition. It is the American Dental Association's contention that insurance companies should also not be exempted from these antitrust laws, and a change would allow health care consumers to benefit from increased market competition.

There are strong allegations of conflicts of interest in the way different and competing insurance companies share data when they set usual, customary, and reasonable reimbursement rates for out-of-plan health care providers. This sharing of data is so anticompetitive that consumers are not likely to see much innovation and variety in the marketplace. If the insurance companies set rates and then design coverage according to antitrust laws, they would have to compete for purchasers of group policies. This competition could have the effect of keeping rates lower and improving the benefits offered. As a further result, purchasing policies would be more attractive to groups, and thus more consumers would have insured care available. If a higher number of consumers were to have plans with decent provisions for care, more actual dental care would be sought, thereby benefiting the dental providers as well as the public.

By advocating for changes that will level the playing field, the ADA is being proactive and is protecting the public against the unregulated practices of a very powerful lobby, the insurance industry.

Meanwhile, the United States House of Representatives is currently considering legislation in HR1583 to repeal the 65-year-old McCarren-Ferguson Act. If passed, the repeal would benefit our profession and our patients—a definite win-win situation.

Contact your congressman and let your voice be heard. ■



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