

HB 3088 -- HEALTH CARE PROVIDER NETWORKS

SPONSOR: Diehl

This bill adds provisions relating to conduct affecting health care provider networks.

It adds definitions of "anti-steering clause", "anti-tiering clause", "covered individual", "enrollee", "facility", "gag clause", "general contracting entity", "health benefit plan", "health care service", "most-favored-nation clause", "provider", and "provider network contract".

The bill prohibits providers from the following:

- (1) Offering to a general contracting entity a written provider network contract that includes an anti-steering, anti-tiering, gag, or most-favored-nation clause;
- (2) Entering into a provider network contract that includes an anti-steering, anti-tiering, gag, or most-favored-nation clause; or
- (3) Amending or renewing an existing provider network contract that has been previously entered into with a general contracting entity so that the contract, as amended or renewed, adds or retains an anti-steering, anti-tiering, gag, or most-favored-nation clause.

Any provision in a provider network contract that is an anti-steering, anti-tiering, gag, or most-favored-nation clause is void and unenforceable.

The bill additionally provides that a health benefit plan issuer that encourages an enrollee to obtain a health care service from a particular provider, including offering incentives, or that introduces or modifies a tiered network plan or assigns providers into tiers, has a fiduciary duty to the enrollee or policyholder to engage in that conduct only for the enrollee's or policyholder's benefit.