

PA Attorney General Challenges the Ending of the Consent Decrees

Background

On February 7, 2019, Pennsylvania Attorney General Josh Shapiro filed a 73-page petition to the Commonwealth of Pennsylvania to modify and extend the Consent Decrees between Highmark and UPMC Health System. In a news conference in early February, Shapiro commented that he is seeking three key things:

- 1) Have Highmark and UPMC to work together
- 2) Ensure **fairness** for Pennsylvania taxpayers
- 3) Protect access for all patients (especially the senior market)

The state-brokered Consent Decrees were executed in 2014 and are set to expire on **June 30, 2019**. In July 2018, the Pennsylvania Supreme Court unanimously ruled the decrees will end as originally scheduled. However, Shapiro has requested an extension and is proposing that UPMC accept Highmark patients in perpetuity.

Highmark has indicated they support Shapiro's actions. UPMC rejects his attempts at an extension and on February 21, 2019, filed their own class-action lawsuit in federal court against Shapiro. UPMC is seeking to be "free from unlawful state interference" and has asked the Commonwealth Court to deny Shapiro's petition, as it exceeds his authority as attorney general.

What's Next?

Judge Robert E. Simpson is pushing for resolution of these issues by May 29, 2019. However, there is no guarantee any resolution, or change to the expiring Consent Decrees, will take prior to this date. As a result, MBS recommends that our members still prepare for the expiration of the Consent Decrees on **June 30, 2019**. This means that if you have Highmark insurance, most UPMC providers will be considered out-of-network beginning July 1, 2019. This means you can expect higher out-of-pocket costs (i.e., deductibles, coinsurance, out-of-pocket maximums) and potential balance billing should you choose to still use a UPMC provider or facility in most cases.

MBS will continue to monitor the situation and provide updates as it relates to the Consent Decrees and the impact to you and your coverage.

If you have questions or need assistance in finding in-network facilities, you may contact your insurance carrier (**Highmark** or **UPMC Health Plan**) or **HealthAdvocate**.

HealthAdvocate: 1-866-695-8622