

PUBLICATION

UnitedHealth Settles NY Attorney General Antitrust Probe

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In early January, the New York Attorney General's Office announced that it had reached an agreement with UnitedHealth that would conclude the AG Office's investigation into UnitedHealth's marketing of elder care and nursing home insurance products. The investigation focused on whether UnitedHealth had conditioned a nursing home's ability to obtain in-network status in UnitedHealth's Medicare Advantage plans on its participation in UnitedHealth's institutional special needs plans ("I-SNP" plans), which provide seniors with nursing home care for chronic conditions for periods over 90 days. The Attorney General's Office maintained that UnitedHealth's practice had the potential to limit the ability of other insurers offering "I-SNP" plans to compete in that market, and that United Health's conduct ultimately limited consumer choice for such services.

While denying any wrongdoing, UnitedHealth agreed to pay a fine of \$100,000 to the New York Attorney General's Office to resolve the investigation. In addition, UnitedHealth agreed that, going forward, it would not "(a) require participation in the United I-SNP as a necessary condition for participation by a [nursing home] in United's network for any non-I-SNP insurance plan, (b) terminate or decline to renew the contract for non-I-SNP United insurance plans on that basis, or (c) penalize a [nursing home] for declining to participate in United's I-SNP insurance plans by offering the [nursing home] lower reimbursement rates than those offered to similarly situated [nursing homes] who do not participate in United's I-SNP." The agreement further provides that these restrictions on UnitedHealth's conduct shall remain in effect for a period of seven years.