



NHCAA Antitrust Compliance Policy and Guidelines

It is the policy of NHCAA to comply in all respects with federal and state antitrust laws. This means that no meetings, discussions, or activities either held by NHCAA or conducted directly or indirectly in conjunction with NHCAA shall involve topics, agreements or understandings that might in any way tend to limit competition among or between NHCAA members or between any other entities or persons.

To assure compliance with this policy, these antitrust compliance guidelines identify some examples of permissible and impermissible topics of discussion at meetings (including conference calls) of NHCAA's employees and Members of the Board of Directors, its committees, subcommittees, interest groups and task forces, and all other meetings conducted under NHCAA's auspices. This policy, and these guidelines apply not only to formal NHCAA activities but apply as well to informal conversations, communications, or other activities conducted directly or indirectly in conjunction with NHCAA.

The purpose of NHCAA meetings and events is to discuss information and strategies related to the prevention, detection, investigation and prosecution of health care fraud and related crime, as well as the administrative operations of the Association. To ensure compliance with federal and state antitrust laws, meeting and event participants should abide by the following guidelines in all conversations, discussions or correspondence of any kind, written or oral:

NO exchange of information or discussions concerning current or future prices, rates, discounts, surcharges, rate structures or classifications, or other terms and conditions of sale;

NO exchange of information or discussions concerning current or future product design or coverage; any current or future marketing practices or responses; current or future underwriting practices or eligibility for insurance;

NO discussion or correspondence concerning prices or labor rates charged by, or whether to do business with, particular suppliers or service providers; and

NO discussion or correspondence concerning any forms of joint or cooperative action by insurers beyond that which is authorized by the antitrust laws for efforts directed at the investigation or detection of potential insurance fraud.

All attendees, and especially the chairperson/moderator and any legal counsel in attendance, shall be alert to discourage any discussion of the topics outlined above or any other potentially sensitive topics outside the scope of the overall purpose and objectives of the meeting.

All participants in any discussion or correspondence should immediately object to discussion which exceeds the limitations stated in these guidelines. Participants should discuss with the NHCAA Chief Executive Officer or Counsel any questions which they may have regarding these guidelines prior to engaging in any questionable discussions.

The following are some examples of anti-competitive activities which are prohibited:

1. No committee or activity of NHCAA, or any discussion or meeting conducted in conjunction with an NHCAA event, whether formal or informal, shall be used for the purpose of reaching or attempting to reach any understanding or agreement, written or oral, formal or informal, express or implied, among competitors with regard to prices, premiums, terms or conditions of policies, territories or customers, or claims handling policies or procedures.
2. No NHCAA activity or communication or any discussion or meeting conducted in conjunction with an NHCAA event, whether formal or informal, shall include discussion for any purpose or in any fashion of price or premium setting methods, reserves, allocation of territories or customers or the terms of availability of any future insurance policies or line of insurance.
3. No NHCAA activity or communication or any discussion or meeting conducted in conjunction with an NHCAA event, whether formal or informal, shall include any discussion which might be construed as an agreement or attempt (a) to limit the individual decision-making authority of any insurer with respect to insurance claims, including but not limited to whether and when to settle and for what amount; (b) to prevent any insurer from employing any attorney, consultant, or other provider of goods or services which it chooses; or (c) to influence the availability, terms, provisions, prices, premiums or other aspects of any insurance policy or line of insurance that may be marketed by its member insurers.
4. Neither NHCAA nor any committee thereof shall make any effort to standardize any form of insurance coverage or exclusion from coverage or encourage or discourage the availability of any form of insurance coverage, or encourage or discourage any particular claims handling policy or procedure.
5. No NHCAA activity or communication or any discussion or meeting conducted in conjunction with an NHCAA event, whether formal or informal, shall include any discussion which might be construed as an agreement or understanding to refrain from offering insurance to any risks or classes of risks or on any particular terms and conditions.

6. No NHCAA activity or communication or any discussion or meeting conducted in conjunction with an NHCAA event, whether formal or informal, shall include any discussion which might be construed as an agreement or understanding to refrain from dealing or doing business with any person or entity.