ANY WILLING PROVIDER LEGISLATION

**Background:** Any willing provider legislation requires managed care organizations to contract with any provider who agrees to meet the terms and conditions of the organization, whether or not it can be shown that the provider meets both the quality standards, and the geographic access needs of the health plan.

**AMCP Position:** The Academy of Managed Care Pharmacy (AMCP) opposes any willing provider/pharmacy legislation. AMCP supports the ability of managed care organizations to selectively contract with only those providers necessary to enable the organization to provide patients with adequate access to pharmacy services, and quality, cost-effective health care.

**Talking Points:**

- **Undermines patient safety and quality** – By selectively contracting with providers, managed care organizations ensure that patients can receive the safest, high quality care. Any willing provider laws that do not require the pharmacy to meet the terms and conditions of the health plan’s contract undermine managed care’s ability to control the quality of clinical services provided to its members.

- **Increases costs** - Any willing provider laws result in increased costs to the health care system by preventing exclusive contracting with pharmacies which offer increased volume of business in exchange for reductions in pharmacy charges.

- **Discourages competition** - The Federal Trade Commission has held that any willing provider laws discourage competition in the health care marketplace for both pharmaceutical services and managed care programs, restricting consumer access to affordable health care, and limiting consumer choice to enroll in the health benefit program that best suits their needs.

- **Conflicts with existing federal court decisions** – Federal court decisions have struck down state any willing provider laws on the grounds they interfere with preemptions established under the federal Employment Retirement Income Security Act (ERISA).

- **Potentially increases likelihood of fraud** – Any willing provider laws could make it difficult, if not impossible, for a managed care organization to not include a pharmacy suspected of fraud in their network.

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