

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 008
(A-24)

Introduced by: Barbara L. McAneny, MD

Subject: Consolidated Health Care Market

Referred to: Reference Committee on Amendments to Constitution and Bylaws

1 Whereas, the American Medical Association has long warned the nation about the problems
2 that can be associated with a consolidated health care market and has opposed insurance
3 company mergers; and
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5 Whereas, Optum acquired Change Health over the objections of the Federal Trade
6 Commission; and
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8 Whereas, on February 21, 2024, Optum and Change Health suffered a ransomware attack and
9 shut down all operations, including the electronic claims submission, electronic remittance, prior
10 authorization and documentation of patient eligibility; and
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12 Whereas, across the country, medical practices, hospitals, pharmacies and many other health
13 care businesses had their revenue cycle disrupted, and cash flow interrupted, putting their
14 economic viability at risk; and
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16 Whereas, Optum and its parent company United Health Group continued to collect premiums
17 and had the opportunity to retain significant amounts of money as no claims were being paid,
18 and therefore had the opportunity to collect interest and investment gains on money that should
19 have been paid to practices and other entities, raising the question of unjust enrichment; and
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21 Whereas, Optum is the largest employer of physicians and has acquired practices when the
22 ransomware disruption made those practices unable to survive without acquisition; and
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24 Whereas, even the practices that survive will have ongoing damages including but not limited to
25 denials related to giving therapy when it was impossible to obtain prior authorization, from using
26 lines of credit and having to pay interest, from having billing departments and others work
27 overtime to submit claims, to losing key employees from inability to make payroll; and
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29 Whereas, oncology practices were particularly hard hit because of the need to purchase
30 chemotherapy without being able to be paid for the chemotherapy and are being charged late
31 payments for those purchases; and
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33 Whereas, the AMA has a long history of defending practices against unfair business practices
34 by insurance companies and their subsidiaries; therefore be it
35

36 RESOLVED, that our American Medical Association investigate the possibility of filing a class
37 action lawsuit against Optum, United Health Group and Change Health to recoup the damages
38 from the disruption caused by the breach, and to distribute the unfair enrichment profits made
39 by Optum et al to the practices whose retained payments allowed them to generate interest and
40 investment profits (Directive to Take Action); and be it further

- 1 RESOLVED, that our AMA investigate the acquisition of practices by Optum in the aftermath of
- 2 the breach and determine if the independence of those practices can be resurrected, and if not,
- 3 if damages are due to the physician owners of the acquired practices. (Directive to Take Action)

Fiscal Note: Modest - between \$1,000 - \$5,000

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DRAFT