



# Allegheny County Council

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## Legislation Details (With Text)

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**Title:** Motion expressing the Sense of the Council of Allegheny County strongly urging the University of Pittsburgh Medical Center (UPMC) not to pursue an appeal of the recent ruling of Commonwealth Court President Judge Pellegrini due to the potential deleterious effects that such an appeal could inflict upon more than 182,000 senior citizens who reside in and around Allegheny County.  
**Sponsors:** Ed Kress, John DeFazio  
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Date	Ver.	Action By	Action	Result
6/16/2015	1	County Council	Passed	

### MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

Expressing the Sense of the Council of Allegheny County strongly urging the University of Pittsburgh Medical Center (UPMC) not to pursue an appeal of the recent ruling of Commonwealth Court President Judge Pellegrini due to the potential deleterious effects that such an appeal could inflict upon more than 182,000 senior citizens who reside in and around Allegheny County.

**WHEREAS**, both Highmark Inc. and UPMC submitted separate Consent Decrees which were approved by the Commonwealth Court on July 1, 2014 in settling a Petition for Review that Commonwealth of Pennsylvania had filed; and

**WHEREAS**, as part of these Consent Decrees, it was mutually agreed that UPMC shall continue to contract with Highmark at In-Network rates for all of the vulnerable populations that included Highmark consumers age 65 or older who are eligible or are covered under Medicare Advantage; and

**WHEREAS**, on March 20, 2015 UPMC notified Highmark that UPMC will terminate all of its Highmark Medicare Advantage hospital and physician contracts with Highmark effectively depriving 182,000 seniors who have Highmark Medicare from its hospitals starting next year in direct contravention of the Consent Decrees; and

**WHEREAS**, this decision by UPMC to terminate all of its Highmark Medicare Advantage hospital and physician contracts was based upon a contract dispute over reimbursements for oncology treatment; and

**WHEREAS**, the decision by UPMC to terminate services to Medicare Advantage customers prompted Pennsylvania Attorney General Kathleen Kane, with backing from Gov. Tom Wolf and the state insurance department, to file a motion to try to force the two health care giants into binding arbitration; and

**WHEREAS**, UPMC was prevented from undertaking this action by the May 27, 2015 ruling of Commonwealth Court President Judge Daniel Pellegrini (attached to this motion), who ordered the University

of Pittsburgh Medical Center's health system to maintain in-network rates until 2019 for people insured by Medicare Advantage plans sold through insurer Highmark Inc., and additionally ordered UPMC and Highmark into arbitration to resolve disagreements over the terms of a state-mediated consent decree the parties signed in June of 2014;

**WHEREAS**, it is the judgment of Council that UPMC that the Commonwealth Court President Judge Daniel Pellegrini has ruled on this matter, and that UPMC by pursuing an appeal of the Commonwealth Court's May 27 ruling, will be working to dishonor the promise that it made in the Consent Decrees to provide coverage to these Highmark Medicare Advantage Insureds, leaving many vulnerable senior citizens who have Highmark insurance confused and fearful in that that they may be denied access and/or be able to afford medical care at UPMC facilities and/or physicians; and

**WHEREAS**, it is further the judgment of council that if UPMC would drop its current appeal it would resolve any uncertainty, confusion or fear that any member of the vulnerable population of senior citizens would have about their full access to healthcare within Allegheny County; and

**NOW THEREFORE, IT IS MOVED, THAT THE COUNCIL OF ALLEGHENY COUNTY,**

That the University of Pittsburgh Medical Center (UPMC) is hereby urged not to pursue an appeal of the recent ruling of Commonwealth Court President Judge Pellegrini but instead should honor its promise in the Consent Decrees to provide coverage to the 182,000 vulnerable senior citizens who have Highmark Medicare Advantage insurance instead of leaving them confused and fearful that they may be denied access and/or be able to afford medical care at UPMC facilities and/or physicians.

***PRIMARY SPONSOR: COUNCIL MEMBER KRESS***

***CO-SPONSORS: PRESIDENT DeFAZIO***