

Resolution No. [Resolution Number] [Type]

Report: [Report] Date Submitted: [Date Submitted]

Submitted By: Dr. Steven Saxe, Delegate, Nevada

Reference Committee: [Reference Committee for Worksheet]

Total Net Financial Implication: [Total Net Financial Impl.] Net Dues Impact:

Amount One-time: Amount On-going:

ADA Strategic Forecast Outcome: Public Profession: Increase and improve dental coverage and access.

**[SUPPORTING DR. AYER'S LAWSUIT TO PROMOTE FAIR REIMBURSEMENT AND
TRANSPARENCY IN DENTAL INSURANCE]****Background:**

On April 23, 2025, *Dennis C. Ayer, DDS, LLC, et al. v. Zelis Healthcare, LLC, et al.* was filed in the U.S. District Court for the District of Massachusetts (Case No. 1:25-cv-11092), alleging a horizontal conspiracy among Zelis and major insurers (UnitedHealth Group, Elevance Health, Aetna, and The Cigna Group) to suppress out-of-network dental reimbursement rates through shared pricing algorithms (<https://business.cch.com/alld/AyervZelisHealthcare-complaint-04232025.pdf>).

This lawsuit is one of the first to apply the **Competitive Health Insurance Reform Act of 2020** (Pub. L. No. 116-327), which restored federal antitrust enforcement to health and dental insurers by repealing their exemption under the McCarran-Ferguson Act (Public Comment on Lack of Competition in the U.S. Dental Insurance Market, American Dental Association, May 21, 2025, pp. 2–4).

Dr. Ayer's case directly addresses issues that impact ADA members nationally, including coercive repricing of out-of-network claims, contractual manipulation, and suppression of fees—trends long identified and documented by the **ADA Health Policy Institute (HPI)**, led by the ADA's Chief Economist and Vice President, which provides extensive economic and insurer data on dental practice trends (Public Comment on Lack of Competition in the U.S. Dental Insurance Market, ADA, pp. 4–10).

The ADA possesses extensive internal data and analytics resources, including state-by-state fee trend analysis, evidence of code bundling and denial strategies, and prior investigative findings on dental insurer behavior that would be highly material to supporting Dr. Ayer's claims and educating regulators and courts on broader industry patterns (Public Comment on Lack of Competition in the U.S. Dental Insurance Market, ADA, pp. 5–7, 9–12).

1 The ADA has already called for antitrust enforcement in the dental insurance market through its
2 May 2025 public comment to the U.S. Department of Justice and can further that commitment by
3 supporting this litigation directly with data, financial resources, and expert testimony (Public
4 Comment on Lack of Competition in the U.S. Dental Insurance Market, ADA, pp. 10–13).

5 Resolved, that the American Dental Association formally support the plaintiffs in the federal
6 antitrust case of *Dennis C. Ayer, DDS, LLC, et al. v. Zelis Healthcare, LLC, et al.* (Case No.
7 1:25-cv-11092), as a landmark enforcement of the Competitive Health Insurance Reform Act of
8 2020 (Pub. L. No. 116-327); and be it further

9 Resolved, that the ADA allocate financial support and expert resources, subject to legal review
10 and appropriate oversight, through the ADA Health Policy Institute (HPI)—including claims
11 data, reimbursement trend reports, and coding analytics—to assist in the litigation and any
12 resulting legal or policy actions; and be it further

13 Resolved, that the ADA collaborate with Dr. Ayer’s legal counsel to share relevant data, develop
14 expert reports, and, where appropriate, submit or support legal filings such as amicus briefs, in
15 order to protect the interests of dentists and restore competition to the dental insurance market;
16 and be it further

17 Resolved, that the ADA utilize legal, public affairs, and Health Policy Institute resources to urge
18 the U.S. Department of Justice and Federal Trade Commission to investigate alleged collusion
19 and market manipulation in the dental insurance industry, consistent with the authority granted
20 under the Competitive Health Insurance Reform Act of 2020 (Pub. L. No. 116-327).