

Resolution 507 — Supporting Plaintiffs in Re: Zelis Repricing Antitrust Litigation Lawsuit to Promote Fair Reimbursement and Transparency in Dental Insurance

Author: Dr. Steven Saxe, Delegate

IF YOU VOTE YES

A YES vote supports the action requested in the resolving clauses. It directs the ADA to stand with the plaintiffs in the In Re: Zelis Repricing Antitrust Litigation, a landmark federal case exposing insurer collusion that suppresses out-of-network reimbursement rates and undermines fair competition.

This resolution urges the ADA to provide expert resources, financial support, and data through the Health Policy Institute (HPI) to aid the case, strengthen enforcement of the Competitive Health Insurance Reform Act of 2020, and push the U.S. Department of Justice and Federal Trade Commission to investigate alleged anticompetitive practices in dental insurance.

IF YOU VOTE NO

A NO vote accepts a weaker approach where the ADA limits its involvement to passive observation. It signals tolerance for insurer manipulation of dental reimbursement and forfeits an opportunity for the ADA to defend dentists and patients in one of the most important antitrust actions since the repeal of McCarran-Ferguson immunity.

SUMMARY

Resolution 507 calls for the ADA to actively support plaintiffs in a national class-action antitrust lawsuit against Zelis Healthcare and major insurers including UnitedHealth, Aetna, Cigna, Humana, and Elevance Health. The lawsuit alleges a coordinated scheme to fix and suppress dental reimbursement rates using shared repricing algorithms.

The resolution authorizes the ADA to:

- Provide financial and expert support through the HPI,
- Share relevant data and analytics,
- Collaborate with plaintiffs' counsel and regulators, and

- File or assist in amicus briefs defending fair competition and transparency.

This case directly aligns with ADA-adopted priorities for insurance reform, transparency, and advocacy for fair reimbursement. It would demonstrate that the ADA stands behind its own members and the patients they serve.

We Appreciate the Board's Support

The Board's substitute version (507B) retains most of the author's intent and recommends a YES vote. The substitute modestly refines administrative language while preserving the ADA's commitment to support plaintiffs and use HPI data in the litigation.

The Board's support shows recognition that this lawsuit addresses the systemic insurer behavior the ADA itself documented in its May 2025 DOJ public comment on the lack of competition in dental insurance. The House should endorse full participation and ensure adequate funding to protect dentists and patients nationwide.

TALKING POINTS

- The Zelis lawsuit is the first major test of the Competitive Health Insurance Reform Act of 2020.
- ADA data and expertise can strengthen the case and advance member interests.
- Insurer collusion directly harms dental practices and patient access.
- Supporting this litigation aligns with ADA public policy on transparency and competition.
- The Board's substitute maintains fiscal oversight while affirming the ADA's moral and legal role.
- A YES vote puts the ADA on the side of its members and the profession's integrity.



Prepared by Dentistry in General Advocacy Coalition

<https://dentistryingeneral.com/digac>

Resolution No. 507 NewReport: N/A Date Submitted: 5/23/2025Submitted By: Dr. Steven Saxe, delegate, NevadaReference Committee: D (Legislative, Governance and Related Matters)Total Net Financial Implication: \$350,000 Net Dues Impact: \$4.00Amount One-time: One-Time Amount On-going:

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

SUPPORTING PLAINTIFFS' IN RE: ZELIS REPRICING ANTITRUST LITIGATION LAWSUIT TO PROMOTE FAIR REIMBURSEMENT AND TRANSPARENCY IN DENTAL INSURANCE

The following resolution was submitted on Friday, May 23, 2025, by Dr. Steven Saxe, delegate, Nevada.

Background: On June 11, 2025, *In Re: Zelis Repricing Antitrust Litigation* was refiled in the U.S. District Court for the District of Massachusetts (Case No. 1:25-cv-10734-BEM; consolidated with Case Nos.: 1:25–CV-11092-BEM and 1:25-CV-11167-BEM)); as an Amended and Consolidated Class Action Complaint, on behalf of Plaintiffs' Pacific Inpatient Medical Group, Inc., Frank Scaccia, M.D., F.A.C.S., L.L.C., Dennis C. Ayer, DDS, LLC and Danny Bachoua Chiropractic, APC (collectively "Plaintiffs") alleging a horizontal conspiracy among Zelis Healthcare, LLC, Zelis Claims Integrity, LLC and Zelis Network Solutions, LLC (collectively "Zelis") and major insurers (UnitedHealth Group, Elevance Health, Aetna, Humana, Inc. and The Cigna Group) to suppress out-of-network dental reimbursement rates through shared pricing algorithms (<https://paulllp.com/antitrust/zelis-lawsuit/>).

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).

Plaintiffs' 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 Plaintiffs' 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).

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

Resolution

507. Resolved, that the Board of Trustees be urged to formally support the plaintiffs in the federal antitrust case of in *Re: Zelis Repricing Antitrust Litigation* (Case No.: 1:25 -cv-10734-BEM; consolidated with Case Nos: 1:25 –CV-11092-BEM and 1:25-CV-11167-BEM), as a landmark enforcement of the Competitive Health Insurance Reform Act of 2020 (Pub. L. No. 116-327) among other claims, and be it further

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

Resolved, that the ADA collaborate with Plaintiffs' legal counsel to share relevant data, develop expert reports, and, where appropriate, submit or support legal filings such as amicus briefs, and be it further

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

BOARD COMMENT: The Board of Trustees appreciates and supports this resolution. Insurance issues are often top of mind for ADA members and the Board believes that supporting member efforts is prudent. However, considering that resources and expenses that would be needed to fully support the resolution as written, the Board offers a substitute that balances the need to support the complaint with the need to be fiscally responsible.

507B. Resolved, that the Board of Trustees be urged to formally support the plaintiffs in the federal antitrust case of in *Re: Zelis Repricing Antitrust Litigation* (Case No.: 1:25 -cv-10734-BEM; consolidated with Case Nos: 1:25 –CV-11092-BEM and 1:25-CV-11167-BEM), as a landmark enforcement of the Competitive Health Insurance Reform Act of 2020 (Pub. L. No. 116-327) among other claims, and be it further

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

~~**Resolved**, that the ADA assist collaborate with Plaintiffs' legal counsel, if needed to share existing relevant ADA data, develop expert reports, and, where appropriate, submit or support legal filings such as an amicus briefs, and be it further~~

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

1 BOARD RECOMMENDATION: Vote Yes on the Substitute.**2 Vote: Resolution 507B**

BERG	Yes	DOWD	Yes	KNAPP	Yes	STUEFEN	Yes
BOYLE	Yes	GRAHAM	Yes	MANN	Yes	TULAK-GORECKI	Yes
BROWN	Yes	HISEL	Yes	MARKARIAN	Yes	WANAMAKER	Yes
CAMMARATA	Yes	HOWARD	Yes	MERCER	Yes		
CHOPRA	Yes	IRANI	Yes	REAVIS	Yes		
DEL VALLE-SEPÚLVEDA	Yes	KAHL	Absent	ROSATO	Yes		