

**Testimony of Gary P. Hunt, Immediate Past President,
Allegheny County Bar Association**

August 25, 2011

My name is Gary P. Hunt. I am the Immediate Past President of the Allegheny County Bar Association. I am a shareholder and the former Managing Partner of the law firm of Tucker Arensberg, P.C., a law firm with offices in Pittsburgh and Harrisburg.

Last year I had the opportunity to address this Committee regarding the rate increases being levied by Highmark on our membership. I want to thank the Commission for again recognizing the importance of health care insurance to our membership, and to the entire business community in scheduling this hearing. Your responsiveness to this issue is appreciated by all concerned.

The Allegheny County Bar Association is a membership organization with more than 6,300 members. More than 60% of those members are either solo practitioners or are employed in a law firm with 6 or fewer employees. This group of at least 3,700 lawyers in turn employ thousands of individuals as secretaries, paralegals and other clerical employees. I am therefore speaking not only for this group of lawyers but also for their families, their employees and their employee's families.

Furthermore, our membership provides legal services to thousands or even tens of thousands of the small businesses that are the foundation of our local economy. Those businesses employ tens of thousands of individuals.

The Allegheny County Bar Association is very concerned with the potential impact of the dispute between Highmark and UPMC regarding their long-standing relationship. Although I am here to speak on behalf of the membership of the ACBA, I ask you to also recognize that this is an issue that goes far beyond the impact on the members of the Allegheny County Bar Association and the individuals employed by the members of the Allegheny County Bar Association.

Unless Highmark and UPMC resolve their differences in a way that provides Highmark insureds access to the entire UPMC health care system, the membership of the Allegheny County Bar Association and the entire Western Pennsylvania community will be dramatically impacted.

Currently, 30% of our members are solo practitioners. Because they are solo practitioners, UPMC will not insure them through the UPMC healthcare plan. Highmark is the only viable option for those practitioners, although the rates can sometimes be shockingly high. If Highmark and UPMC do not settle their issues, these members of the ACBA will lose access to the UPMC health care system.

Furthermore, if the UPMC/Highmark dispute is not resolved, all of our members will be forced to choose between health care insurance through UPMC, or health care insurance through Highmark, without access to the UPMC healthcare system.

I am a commercial trial lawyer. I understand how contract disputes can arise, and I understand that it can be very difficult to resolve those disputes without litigation. However, the circumstances presented here are different from the normal contract dispute. This is not a dispute that can wait until the courthouse steps or the 11th hour to be resolved. This issue has a far-reaching impact on too many citizens. There will be those who lose the doctor they have been seeing for years and the facilities available to some citizens will be narrowed to the point of having no choice at all.

Both Highmark and UPMC are non-profits. They have enjoyed their tax free status for many years. That tax-free status has been an important factor in their growth and success. But their non-profit status also imposes upon both Highmark and UPMC certain obligations to the community. The present dispute should not be settled purely on economic terms. Instead, the welfare of the entire community is at stake. Is this community to be denied access to the largest health care provider in Western Pennsylvania because Highmark and UPMC cannot work out their differences? That is an inconceivable outcome.

We are asking the Insurance Department and the state legislature to step in and take a hard look at what is happening. As I said when I addressed this Committee last year - when it comes to something as vital as health insurance aren't the citizens of Western Pennsylvania entitled to coverage at reasonable rates, and access to all of the health care facilities that have prospered in this area?

Thank you for your time.