



Ohio Revised Code

Section 3963.11 Prohibited conduct by contracting entities.

Effective: September 29, 2011

Legislation: House Bill 153 - 129th General Assembly

(A) No contracting entity shall do any of the following:

- (1) Offer to a provider a health care contract that includes a most favored nation clause;
- (2) Enter into a health care contract with a provider that includes a most favored nation clause;
- (3) Amend or renew an existing health care contract previously entered into with a provider so that the contract as amended or renewed adds or continues to include a most favored nation clause.

(B) As used in this section:

(1) "Contracting entity," "health care contract," "health care services," "participating provider," and "provider" have the same meanings as in section 3963.01 of the Revised Code.

(2) "Most favored nation clause" means a provision in a health care contract that does any of the following:

- (a) Prohibits, or grants a contracting entity an option to prohibit, the participating provider from contracting with another contracting entity to provide health care services at a lower price than the payment specified in the contract;
- (b) Requires, or grants a contracting entity an option to require, the participating provider to accept a lower payment in the event the participating provider agrees to provide health care services to any other contracting entity at a lower price;
- (c) Requires, or grants a contracting entity an option to require, termination or renegotiation of the existing health care contract in the event the participating provider agrees to provide health care services to any other contracting entity at a lower price;



(d) Requires the participating provider to disclose the participating provider's contractual reimbursement rates with other contracting entities.
