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# Question 1

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**Question Type:** MultipleChoice

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Congress enacted three clauses relating to the preemptive effect of the Employee Retirement Income Security Act of 1974 (ERISA). One of these clauses preserves from ERISA preemption any state law that regulates insurance, banking, or securities, with the exception of the exemption for self-funded employee benefit plans. This clause is called the

## Options:

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- A- Savings clause
- B- Preemption clause
- C- Deemer clause
- D- De novo clause

## Answer:

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A

## Explanation:

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The savings clause preserves from preemption any state law that regulates insurance, banking or securities except as provided by the deemer clause.

## Question 2

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**Question Type:** MultipleChoice

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In the paragraph below, a statement contains two pairs of terms enclosed in parentheses. Determine which term in each pair correctly completes the statement. Then select the answer choice containing the two terms that you have chosen.

Every employee benefit plan governed by the Employee Retirement Income Security Act (ERISA) must distribute a summary plan description (SPD) to participants within (90 / 120) days after the date on which the plan is adopted or made effective. Thereafter, if the plan is amended, a new SPD must be distributed every (5 / 10) years.

### Options:

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A- 90 / 5

B- 90 / 10

C- 120 / 5

D- 120 / 10

**Answer:**

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C

## Question 3

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**Question Type:** MultipleChoice

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Antitrust laws can affect the formation, merger activities, or acquisition initiatives of a health plan. In the United States, the two federal agencies that have the primary responsibility for enforcing antitrust laws are the

**Options:**

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- A- Internal Revenue Service (IRS) and the Department of Justice (DOJ)
- B- Office of Inspector General (OIG) and the Department of Defense (DOD)
- C- Federal Trade Commission (FTC) and the Department of Labor (DOL)
- D- Federal Trade Commission (FTC) and the Department of Justice (DOJ)

**Answer:**

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D

## Question 4

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### Question Type: MultipleChoice

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In 1994, the Department of Justice (DOJ) and the Federal Trade Commission (FTC) revised their 1993 healthcare-specific antitrust guidelines to include analytical principles relating to multiprovider networks. Under the new guidelines, the regulatory agencies will use the rule of reason to analyze joint pricing activities by competitors in physician or multiprovider networks only if

### Options:

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- A- Provider integration under the network is likely to produce significant efficiencies that benefit consumers
- B- The providers in a network share substantial financial risk
- C- The combining of providers into a joint venture enables the providers to offer a new product
- D- All of the above

### Answer:

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A

## Question 5

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**Question Type: MultipleChoice**

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Determine whether the following statement is true or false:

Although most-favored-nation (MFN) clauses in contracts between health plans and healthcare providers are not per se illegal, they should be reviewed under the rule of reason analysis for antitrust purposes.

**Options:**

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- A-** True, because the Federal Trade Commission (FTC) ruled that MFN clauses are not per se illegal and the FTC encourages health plans to include them in provider contracts.
- B-** True, because although MFN clauses are not per se illegal, they violate antitrust laws if they have a predatory purpose and an anticompetitive effect.
- C-** False, because MFN clauses involve decisions by providers concerning the level of fees to charge, and thus they are per se illegal.
- D-** False, because MFN clauses are not per se illegal, and thus they are exempt from antitrust laws and regulation by the FTC.

**Answer:**

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B

**Question 6**

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**Question Type: MultipleChoice**

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The following situations illustrate per se violations of federal antitrust laws:

Situation A - Two groups of providers agreed among themselves that each provider will do business with health plans only on a fee-for-service basis.

Situation B - In order to avoid competing with each other, two independent, competing physician-hospital organizations (PHOs) divide the geographic areas in which they will market their services.

From the following answer choices, select the response that correctly identifies the types of per se violations illustrated by these situations.

**Options:**

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- A-** Situation A: price fixing; Situation B: horizontal division of markets
- B-** Situation A: price fixing; Situation B: tying arrangement
- C-** Situation A: horizontal group boycott; Situation B: horizontal division of markets
- D-** Situation A: horizontal group boycott; Situation B: tying arrangement

**Answer:**

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A

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