

IV: “All products” provisions

I. What questions should you consider prior to signing a managed care agreement containing an all products provision?

- Does the all products provision identify the products in which you will be required to participate?
- Is the provision limited to products currently offered by the health insurer, or does it require you to participate in future products?
- Can you refuse to participate in some products, e.g., workers compensation, Medicare or Medicaid managed care products, auto or home insurance, without losing the entire contract?
- Will each product have its own fee schedule?

II. What is an all products provision?

An all products provision requires you to participate in all of the products offered by the health insurer. Sometimes a clause also mandates participation in future products. The term “products” may include a wide range of coverage options, e.g., health maintenance organization (HMO), HMO point-of-service, preferred provider organization (PPO), workers compensation insurance, automobile or homeowners’ insurance, Medicare and/or Medicaid managed care products, high deductible health plans, coverage provided by self-funded employee health benefit plans, health insurance offered through Affordable Care Act marketplaces, etc.

III. Example all products clause

The following is an example all products clause:

“Medical practice agrees to participate in the plans and other health products as described in this Agreement. The health insurer reserves the right to introduce, modify, and designate medical practice’s participation in plans and products during the term of this Agreement.”

This clause raises at least three issues. First, it does not let you choose the products or plans in which you want to participate. Second, it places no restrictions on the future products or plans in which you will have to participate. Third, the language does not indicate whether each product will have its own fee schedule. Clauses like this can subject you to plans or products with differing administrative obligations and fee schedules, raising unexpected payment and operational challenges.

IV. State restrictions and disclosure requirements and Advocacy Resource Center model legislation



IV: “All products” provisions

Several states address all products clauses, some states ban them, others restrict them. State laws regulating all products clauses are identified in the Managed Care Contract Legal Database (Database) under the category “Participation in Products, Plans, and Networks.” This category also includes state laws that, while not banning or restricting the use of all products clauses, impose disclosure obligations on health insurers with respect to your participation in products, plans, networks, panels, etc.

The AMA Advocacy Resource Center (ARC) has also developed model all products clause legislation entitled the “Physician’s Choice of Health Insurance Product and Panel Act.” You can access that model legislation in the Database within the broad heading “ARC Advocacy Resources” under the category “Participation in Products, Plans, and Networks.”