

OUR PRACTICE

Antitrust – Health Care

Our health care antitrust team is comprised of lawyers who have deep knowledge of both the health care industry and antitrust law. We provide counsel on health care antitrust issues to clients throughout the United States.

We represent clients in every sector of the health care industry, including hospitals, health systems, physician groups, biotech and pharmaceutical companies, equipment manufacturers and medical supply distributors.

Attorneys on our health care antitrust team work closely with our Firm's other health care attorneys and public policy advisors, both federal and state, to provide comprehensive representation. We advocate effectively for clients on a vast array of health-care-specific antitrust matters, including:

Government Antitrust Investigations and Litigation. We represent clients in every sector of the health care industry, including hospitals, physicians and health insurers, before the Federal Trade Commission, the Department of Justice Antitrust Division and state attorneys general. We have represented clients on a wide range of governmental investigations, and litigation including all aspects of merger review.

Antitrust Litigation. We represent health care clients in private antitrust litigation all across the country, at both the trial and appellate levels. While we more typically defend health care industry clients in such matters, we have also represented clients as plaintiffs where they were the victim of unlawful conduct. Some recent representative matters include the defense of clients against allegations of unlawful "monopsony" conduct, the alleged wrongful exclusion of providers from an insurer's provider network and alleged unlawful marketing restrictions among providers. We also have considerable experience representing clients in class action proceedings.

Merger Compliance. The attorneys in our practice counsel health systems, individual hospitals, health insurers, physicians and other health care providers on antitrust issues related to mergers, acquisitions, joint ventures, joint operating agreements, joint contracting and other collaborative arrangements. We have successfully obtained regulatory approvals for such transactions on numerous occasions.

Antitrust Counseling. We advise on a full range of health care antitrust issues, including negotiations with and among providers, issues related to relationships and agreements with group purchasing organizations, and antitrust questions regarding information exchanges, benchmarking, meetings with competitors and salary/compensation surveys.

Integration Issues. We counsel health care clients on issues relating to the formation of hospital-physician networks, joint negotiations with insurers (including messenger models), clinical integration, and the creation of accountable care organizations and other forms of joint or unilateral conduct that can create antitrust issues for health care entities.



Representative Matters

- Successfully represented a major hospital system in seeking state action antitrust immunity under state laws (Certificate of Public Advantage) for a major merger.
- Defending a major midwestern hospital system in a Department of Justice antitrust lawsuit alleging unlawful marketing conduct.

- Defended a large southeastern physician-hospital organization alleged to have conspired to boycott an independent ambulatory surgery center.
- Defended a midwestern health insurer accused of leading a group boycott against an insurance broker.
- Represented a northeastern hospital in an antitrust case brought by a peer-reviewed doctor.
- Represented a southeastern health insurer alleged of having unlawfully excluded a provider from its network.
- Represented health care providers and suppliers on complex reimbursement and coverage matters as well as on Medicare contractor audits and overpayments.
- Successfully defended a market-share leading physician-hospital organization in an antitrust case alleging conspiracy to boycott brought by an independent ambulatory surgery center against the client and a third-party administrator.