



Antitrust and Health Care

Health care has become a focus of antitrust regulatory enforcement efforts and private litigation in recent years. As health care providers join together in networks, regulators often will scrutinize those alliances to determine their effect on prices and consumer choice. Prescription drug prices and availability also are matters of great concern to regulators and private entities. At present, no other field is as closely watched for antitrust issues as health care.

Our lawyers represent a broad spectrum of clients in the health care field, including insurance companies, pharmaceutical manufacturers, hospitals, and other medical providers. As a result, we have experience in the wide range of areas in which health care antitrust issues may arise. Our involvement in counseling, government investigations, and litigation in the health care area includes the following examples:

- We represented a major health care insurer in arbitration with a hospital relating to a “most favored nations” clause
- We defended a university-affiliated hospital in litigation with a terminated physician
- We defended a major health insurance company in precedent-setting litigation regarding physician control of health insurance companies
- We successfully represented, at trial and on appeal, a major health insurance company challenging territorial restrictions imposed on it by a national trade association
- We defended a pharmaceutical manufacturer in multidistrict litigation involving alleged price fixing
- We counsel medical groups on forming alliances with other groups and the degree of integration needed to survive antitrust scrutiny
- We counsel hospitals regarding medical staff privileges issues
- We counsel hospitals on use of exclusive contracts for providers

RELATED PRACTICES

- Corporate and Business Organizations
- Health Care
- Insurance
- Intellectual Property, Media, and Entertainment
- Technology, Advertising, and Communications

ATTORNEYS

- Michael J. Canter
- James P. Kennedy
- Laura G. Kuykendall
- Carter M. Stewart
- James A. Wilson