

Time for a Checkup: Evaluating the Withdrawal of the Health Care Antitrust Guidelines

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In 1996, the FTC and DOJ issued Statements of Antitrust Enforcement Policy in Health Care. The statements addressed important topics, such as hospital mergers, information sharing, joint purchasing, and provider joint ventures. The DOJ withdrew the guidelines in February 2023, and the FTC followed in July. Some healthcare companies – and businesses in other sectors – that have established relationships in reliance on these statements are concerned as to whether long-running arrangements should be modified or terminated. This panel will discuss their perspectives on the withdrawal of the statements on future initiatives, and what previous arrangements may be at risk.

Speakers:

- John Carroll, Partner in the Antitrust & Competition Practice Group, Sheppard Mullin
- Richard Feinstein, Partner, Boies Schiller Flexner LLP, Former Director of the Bureau of Competition at the Federal Trade Commission
- Laurel Kilgour, Research Manager, American Economic Liberties Project
- Barry Nigro, Partner, Global Chair, Antitrust and Competition, Fried Frank
- Prof. Barak Richman, Alexander Hamilton Professor of Business Law, George Washington University Law School

Moderator:

- Adam Biegel, Partner, Co-chair of the Litigation & Trial Practice Group, Alston & Bird

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Practice Areas

Antitrust and Competition

Healthcare Antitrust