

# Antitrust and Unfair Business Practices

In a health care industry where increasing integration and consolidation bring a corresponding intensification of antitrust and anti-competitive scrutiny, Hooper, Lundy & Bookman attorneys provide the experienced counsel that helps clients address antitrust risks and consummate proposed affiliations and transactions without delay or disruption.

We leverage our in-depth understanding of the health care delivery system and the federal and state antitrust landscape to clear roadblocks that could imperil new business arrangements. When the specter of government action arises, we take an aggressive yet strategic approach to defending against those challenges.

HLB's combined antitrust and health care capabilities not only facilitate successful transactions, but also deliver significant efficiencies for our clients. There is no need to engage separate antitrust counsel or outside clinical integration consultants as we have the cross-disciplinary talent to provide holistic guidance on every aspect of a merger, acquisition, or other transaction that raises anti-competitive concerns.

## **Antitrust Guidance Across the Full Spectrum of Transactions and Affiliations**

The firm's front-line experience with antitrust issues and unfair business practices extends across the spectrum of health care transactions. Our attorneys have counseled clients on antitrust issues in a variety of provider joint ventures, including hospital and physician group mergers and other affiliations, and hospital/physician group integration models, and in particular, have assisted in the establishment and development of both financially and clinically integrated provider networks. Our work with provider joint ventures includes advising clients on all aspects of the transaction that may raise antitrust risks, including size, pricing, formation, type of integration, and exclusive arrangement issues.

We deftly guide clients through the merger and acquisition review process. When needed, we seek and obtain formal or informal antitrust opinions and business review letters from federal and state agencies concerning provider transactions to clarify and limit risks.

Providers regularly seek our assistance with issues such as sharing competitively sensitive information throughout the affiliation process, assessing potential anti-competitive and pro-competitive impacts of health care transactions, and forming and implementing financially and clinically integrated health care networks. We also frequently advise a variety of trade associations regarding permissible activities on behalf of their members.

## **Government Investigations and Enforcement Actions**

All of our litigators focus exclusively on health care issues. They have defended providers in investigations and enforcement actions brought by the U.S. Department of Justice Antitrust Division, the Federal Trade Commission, state attorneys general, and in class action lawsuits involving allegations of unfair business practices.

Because we understand how authorities approach antitrust concerns and how changing political winds can impact the anti-competitive enforcement environment, our antitrust lawyers are agile and adaptable when government investigations or enforcement actions threaten our clients' interests.

## **Comprehensive Antitrust Representation for the Health Care Industry**

Hooper, Lundy & Bookman's comprehensive suite of antitrust representation includes:

- Federal and state antitrust regulation and compliance counseling
- Antitrust litigation

- Mergers and acquisitions
- Clinical and financial integration
- Managed care
- Payor-provider alignment
- Competitor joint ventures and other collaborations
- Federal Trade Commission and Department of Justice business advice request letters
- Trade association counseling
- Government antitrust investigations
- Hart-Scott-Rodino pre-merger notification filings