Health Care Antitrust

Health care markets have always been closely examined for anticompetitive conduct. As enforcement initiatives change and health care reform is implemented, it’s hard to know if your business practices, relationships, or transactions — past or present — will raise a red flag with enforcement agencies at the state or federal level. Mintz Levin focuses specifically on antitrust and competition issues in health care markets, and can help you with any antitrust issue that may affect your business.

We represent health industry clients in all aspects of antitrust counseling and compliance, including business planning, clinical integration, federal and state antitrust investigations, the Hart-Scott-Rodino merger approval process, joint ventures, and antitrust litigation. We have successfully defended clients in federal and state investigations and in litigation arising under federal and state antitrust laws and state unfair competition laws. We have also protected our clients’ interests against the threat of class action liability through risk counseling and, when necessary, litigation.

Areas of Focus

- Antitrust counseling
- Antitrust litigation
- Clinical integration
- Competitor collaborations
- Federal regulation
- Government investigations
- Hart-Scott-Rodino merger approval process
- Mergers and acquisitions
- Privacy

Quick Facts

- 30+ full-time health law attorneys in addition to other firm attorneys who represent clients in the health care industry
- Shepherded some of the largest health care-related transactions in recent history through the antitrust review process at the Federal Trade Commission (FTC) and the US Department of Justice (DOJ)
- Former government attorneys from the following agencies:
  - Centers for Medicare & Medicaid Services
  - Department of Justice
  - Federal Trade Commission
  - Medicaid Fraud Control Units
  - Office of Inspector General for the Department of Health and Human Services
  - State offices of attorneys general
- Experienced with mergers and acquisitions specific to hospital systems
- Attorneys who regularly speak at FTC and DOJ health care competition workshops
- Attorneys recognized by Chambers USA, Best Lawyers, and Super Lawyers
- Nightingale’s Healthcare News: Practice chair named “Outstanding Healthcare Antitrust Lawyer” for several years in a row
Representative Experience

- Served as antitrust “deal counsel” for both parties related to Partners HealthCare’s plan to merge Cooley Dickinson Hospital, a 140-bed hospital in Western Massachusetts, with Massachusetts General Hospital, while serving as outside counsel for Cooley. The transaction was reviewed by both the DOJ Antitrust Division and the Massachusetts Attorney General. The firm filed both parties’ Hart-Scott-Rodino forms with the federal antitrust agencies. The transaction closed July 1, 2013.

- Represented the acquirer in the merger of two Massachusetts hospital-based health care systems, located in the same town — one being Catholic under the sponsorship of an order of Sisters, and the other being secular. The matter was reviewed by the FTC and the Massachusetts Attorney General’s Office. The transaction involved two separate components: the merger of the parent entities of the two hospitals and the formation of a unified parent for the system with all of the various current subsidiaries becoming subsidiaries of the parent; and an acquisition by the secular hospital of all of the assets and liabilities of the Catholic hospital so as to create a unified hospital under a single license.

- Represent one of the nation’s most prestigious health care providers and hospital groups, since its creation over 20 years ago, to help it make smooth and efficient acquisitions and respond effectively to government investigations.

- Represented one of the nation’s premier pharmacy chains in its $27 billion acquisition of a “big three” pharmacy benefits manager, including its review by the FTC.

- Facilitated the acquisition of a six-hospital nonprofit Catholic health care system, owned by the Roman Catholic Archbishop of Boston, by a New York City–based private equity firm. We served as local counsel on corporate, regulatory, and reimbursement matters, including facilitating the completion of a purchase and sale agreement; Department of Public Health and Attorney General approvals, addressing the terms of a Stewardship Agreement with the Archdiocese; and related matters.

Clients We Serve

- Ancillary care providers
- Biotechnology companies
- Hospitals
- Independent practice associations
- Insurers
- Pharmaceutical companies
- Pharmacy benefit managers
- Physician practice groups
- Physician-hospital organizations
- Physicians
- Retail pharmacies
- Trade associations

Connect

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