**ASSORTMENT OF HEALTH CARE ANTITRUST RESOURCES[[1]](#footnote-2)**

**DOJ Antitrust Division– General**

[Antitrust Division Manual](https://www.justice.gov/atr/file/761166/download), Fifth Edition (Updated August 2017) – Internal DOJ guidance on antitrust generally, including guidance for antitrust in the health care setting. To select a specific section of the manual to review, click [here](https://www.justice.gov/atr/division-manual).

[DOJ Articles and Papers](https://www.justice.gov/atr/articles-and-papers), Last updated on August 10, 2016 – Articles and papers on antitrust, some of which discuss health care issues, from 2008 – 2016.

**DOJ Antitrust Division – Health Care**

[DOJ Antitrust Division – Health Care](https://www.justice.gov/atr/health-care) – Provides an overview of the DOJ Antitrust division in Health Care and provides several useful resources – many of which are included below.

* [Summary of Health Care Cases](https://www.justice.gov/atr/file/783756/download) – Cases from 1983 through 2017.
* [Health Care Matters Resolved Without a Case Filed](https://www.justice.gov/atr/file/783766/download) – Matters from 1983 through 2012 and provides additional links to the applicable press releases.
* [Health Care Press Releases](https://www.justice.gov/atr/health-care-related-press-releases-1992) – Press releases since 1992.
* [Health Care Speeches](https://www.justice.gov/atr/health-care-related-speeches-1994) – Speeches since 1994.
* [Health Care Competition Advocacy](https://www.justice.gov/atr/health-care-competition-advocacy), Updated July 26, 2017 – Letters, testimony, and joint statements with regard to health care competition.
* [Health Care Related Congressional Testimony](https://www.justice.gov/atr/health-care-related-congressional-testimony), Updated September 14, 2015 – Testimony from congressional speakers from 1999 through 2010.
* [Business Reviews](https://www.justice.gov/atr/file/783771/download) – Business reviews since the issuance of the 1993 DOJ/FTC Health Care Antitrust Statement of Enforcement Policy.

***Guidance and Policy (DOJ/FTC)***

* [Statement of Antitrust Enforcement Policy Regarding ACOs Participating in the Medicare Shared Savings Program](https://www.justice.gov/sites/default/files/atr/legacy/2014/05/30/279568.pdf), October 20, 2011.
  + [Documents on Accountable Care Organizations](https://www.justice.gov/atr/accountable-care-organizations) – Additional documents discussing antitrust issues with regard to ACOs.
* [Statement of Antitrust Enforcement Policy in Health Care](https://www.justice.gov/atr/statements-antitrust-enforcement-policy-health-care), August 1996.

**DOJ/FTC – General Antitrust**

[Horizontal Merger Guidelines](https://www.ftc.gov/sites/default/files/attachments/merger-review/100819hmg.pdf), August 19, 2010 – DOJ and FTC’s jointly issued guidelines on the practices and enforcement policy with respect to mergers and acquisitions involving actual or potential competitors.

[Antitrust Guidelines for Collaborations Among Competitors](https://www.ftc.gov/sites/default/files/documents/public_events/joint-venture-hearings-antitrust-guidelines-collaboration-among-competitors/ftcdojguidelines-2.pdf), April 2000 – DOJ and FTC’s jointly issued guidelines intended to explain how the agencies analyze certain antitrust issues raised by collaborations among competitors.

**DOJ/FTC – Health Care Antitrust**

[Health Care Competition – Mergers and Competition](https://www.ftc.gov/news-events/media-resources/mergers-competition/health-care-competition) – Overview of Health Care Mergers and Competition and related FTC and DOJ Press Releases from 2010-2018, Public Events and the event materials, Reports, Public Statements, and Videos.

[Competition in the Health Care Marketplace](https://www.ftc.gov/tips-advice/competition-guidance/industry-guidance/health-care) – Overview of the FTC’s role in preventing anticompetitive conduct in the health care industry, and related links to core health care competition documents health care initiatives, cases, press releases, blog posts, public events and statements, advisory opinions, reports, advocacy filings, amicus briefs, public comments, testimony and business education – some of which are included below or included under the DOJ links.

* [Overview of FTC Actions in Health Care Services and Products](https://www.ftc.gov/system/files/attachments/competition-policy-guidance/overview_health_care_september_2017.pdf), September 2017 – Information on the conduct involving health care antitrust issues, mergers of health care providers and suppliers, state action defenses, industry guidance, and amicus briefs involving health care services and products.
* [Overview of FTC Actions in Pharmaceutical Products and Distribution](https://www.ftc.gov/system/files/attachments/competition-policy-guidance/overview_pharma_september_2017.pdf), September 2017 – Information on the conduct involving pharmaceutical antitrust issues, mergers involving pharmaceutical products and distribution, industry guidance, and amicus briefs involving pharmaceutical products and distribution.
* [Topic and Yearly Indices of Health Care Antitrust Advisory Opinions by Commission and by Staff](https://www.ftc.gov/system/files/attachments/competition-policy-guidance/overview_health_care_advisory_opinions_september_2017.pdf), September 2017 – Information on advisory opinions related to network and hospital joint ventures, joint purchasing agreements, participation in exchanges, providers’ collective provision of fee and non-fee related information, professional society activities, Robinson-Patman Act, and other agreement related issues.

**Publications/Articles**

[Saint Luke’s Merger Documents](https://www.ftc.gov/enforcement/cases-proceedings/121-0069/st-lukes-health-system-ltd-saltzer-medical-group-pa), May 2, 2017 – Case filings from the FTC/Idaho AG litigation challenging the hospital – physician group (Saltzer) merger. Of particular note are the demonstrative exhibits for the governments’ expert, David Dranove, outlining the economic case against the merger dated October 2 and 21, 2013.

[U.S. House Committee Report](http://docs.house.gov/meetings/IF/IF02/20180214/106855/HHRG-115-IF02-20180214-SD002.pdf), “Examining the Impact of Health Care Consolidation” – hearing on Feb. 14, 2018

[California v. Sutter Health](https://oag.ca.gov/system/files/attachments/press_releases/Sutter%20Complaint.pdf), No. CGC-18-565398 (San Francisco Super. Ct. filed Mar. 29, 2018).

“Competition as Policy Reform: The Use of Vigorous Antitrust Enforcement, Market-Governance Rules, and Incentives in Health Care, Emilio Varanini, St. Louis University School of Law Journal of Health Law & Policy, Vol. 11:69, 2017. (Not yet available online.)

[Antitrust Enforcement in Imperfect Health Care Markets: A State Perspective](http://www.gklaw.com/Resources/Documents/244.pdf), February 19, 1998 – This was written and presented by Kevin J. O’Connor. Not much has changed in 20 years.

[Modern Healthcare Articles on Antitrust](http://www.modernhealthcare.com/section/articles?tagID=5917) – List of articles focused on antitrust issues in health care.

[Presidential Transition Report: The State of Antitrust Enforcement](https://www.americanbar.org/content/dam/aba/publications/antitrust_law/state_of_antitrust_enforcement.authcheckdam.pdf), January 2017 – Discusses the Section of Antitrust Law of the ABA’s views on the current state of federal antitrust and consumer protection enforcement and discusses industry specific issues, such as that of the health care industry.

[Workshop Transcript: Examining Healthcare Competition](https://www.ftc.gov/system/files/documents/public_events/618591/transcript-day1.pdf) and [Event Materials](https://www.ftc.gov/news-events/events-calendar/2015/02/examining-health-care-competition) – Event hosted by the FTC and DOJ on February 24, 2015.

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1. To access the resource, click on the hyperlink. Some browsers may require pressing “Ctrl” and clicking simultaneously to access the link. Also, if emailing this document you must take the affirmative step of telling your email server not to manage the attachment metadata or the links will not work. [↑](#footnote-ref-2)