



May 31, 2011

Mr. Donald S. Clark  
Secretary  
Federal Trade Commission  
Room H-113 (Annex W)  
600 Pennsylvania Avenue, N.W.  
Washington, DC 20580

**Re: Proposed Statement of Antitrust Enforcement Policy Regarding ACOs Participating in the Medicare Shared Savings Program, Matter V100017**

Dear Secretary Clark:

The American College of Osteopathic Surgeons (ACOS) and the American Osteopathic Academy of Orthopedics (AOAO) appreciate the opportunity to provide comments to the Federal Trade Commission (FTC) and the Department of Justice (DOJ) on the proposed Statement of Antitrust Enforcement Policy regarding Accountable Care Organizations (proposed FTC/DOJ ACO policy) participating in the Medicare Shared Savings Program (MSSP). Rather than submit duplicative comments, we strongly urge you to consider and address the AMA's recommendations for significant modifications to FTC/DOJ ACO policy, as well as the Center for Medicare & Medicaid Services' proposed rule on the MSSP.

As the AMA indicated in its comment letter, if not properly developed, the ACO requirements and antitrust clearance process could have a significant and negative impact on the ability of physicians, hospitals, and other eligible ACO entities to successfully form and participate in ACO models. We particularly agree with the AMA's conclusion that it is critical that the FTC/DOJ set forth clear and common sense antitrust rules concerning the formation of ACOs so that physicians can pursue integration options that are not hospital driven. Physicians should not have to sell their practices to hospitals and become hospital employees to participate in ACOs or other innovative delivery models. This is especially true for osteopathic surgeons who often practice in small groups and value their independence, but may find it economically essential to join ACOs in the future.

The ACOS and the AOAO look forward to working with the DOJ and FTC on these important issues. If you have any questions, please contact Guy Beaumont at [GBeaumont@facos.org](mailto:GBeaumont@facos.org) or at (703) 684-0416 x105.

Sincerely,

Guy D. Beaumont, Jr.  
ACOS Executive Director

Lee Vander Lugt, D.O., FAOAO  
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