



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

VIA E MAIL

April 5, 2010

Mr. Tim Gorski
State of Texas

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

Dear Mr. Gorski,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Your comment questions whether an IPA that refuses to use a Medicare-based fee schedule and demands a cost of living adjustment is unlawfully fixing price. Long-standing antitrust laws generally prohibit independent physicians in competing practices from simply collectively negotiating prices. An IPA violates the antitrust laws when it negotiates fees on behalf of its physician members. Based on its investigation, the Commission has reason to believe that the Roaring Fork I. P. A. committed that violation, and that its violation increased health care costs. The proposed order seeks to prevent future illegal conduct by prohibiting agreements among competing physicians to raise the rates they receive. At the same time, the order does not prohibit any action that is legal under the antitrust laws. The order does not require any individual doctor to accept a specific rate, a fee tied to Medicare reimbursement rates, or a rate that does not include a cost of living increase.

After considering your comment, the Commission has determined that the public interest would be served by issuing the Decision and Order in final form. We appreciate your interest in this matter. A copy of the final Decision and Order is attached for your information.

By direction of the Commission, Commissioner Ramirez not participating.

Donald S. Clark
Secretary

Enclosure



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

VIA E MAIL

April 5, 2010

Samuel Hunter, M.D.
Advanced Neurosciences Institute
State of Tennessee

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

Dear Dr. Hunter,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Your comment disagrees with the prohibition in the proposed order on collective action by physicians dealing with insurance companies. Long-standing antitrust laws generally prohibit independent physicians in competing practices from simply collectively negotiating prices. An IPA violates the antitrust laws when it negotiates fees on behalf of its physician members. Based on its investigation, the Commission has reason to believe that the Roaring Fork I. P. A. committed that violation, and that its violation increased health care costs. The proposed order seeks to prevent future illegal conduct by prohibiting agreements among competing physicians to raise the rates they receive. At the same time, the order does not prohibit any action that is legal under the antitrust laws. The order does not require any individual doctor to accept a specific rate, a fee tied to Medicare reimbursement rates, or a rate that does not include a cost of living increase.

After considering your comment, the Commission has determined that the public interest would be served by issuing the Decision and Order in final form. We appreciate your interest in this matter. A copy of the final Decision and Order is attached for your information.

By direction of the Commission, Commissioner Ramirez not participating.

Donald S. Clark
Secretary

Enclosure



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

VIA E MAIL

April 5, 2010

Mr. Karl Kerchief
State of Michigan

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

Dear Mr. Kerchief,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Your comment states a concern that, under the proposed order, the refusal to accept Medicare by a group of physicians is unlawful. Long-standing antitrust laws generally prohibit independent physicians in competing practices from simply collectively negotiating prices. An IPA violates the antitrust laws when it negotiates fees on behalf of its physician members. Based on its investigation, the Commission has reason to believe that the Roaring Fork I. P.A. committed that violation, and that its violation increased health care costs. The proposed order prohibits joint negotiations of rates by doctors, which is illegal under the antitrust laws; it does not prohibit any conduct that is legal under the antitrust laws. The order does not require any individual doctor to accept a specific rate, a fee tied to Medicare reimbursement rates, or a rate that does not include a cost-of-living-increase.

After considering your comment, the Commission has determined that the public interest would be served by issuing the Decision and Order in final form. We appreciate your interest in this matter. A copy of the final Decision and Order is attached for your information.

By direction of the Commission, Commissioner Ramirez not participating.

Donald S. Clark
Secretary

Enclosure



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

VIA E MAIL

April 5, 2010

Mr. Steven O'Brien
State of Colorado

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

Dear Mr. O'Brien,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Long-standing antitrust laws generally prohibit independent physicians in competing practices from simply collectively negotiating prices. Based on its investigation, the Commission has reason to believe that the Roaring Fork I. P. A. committed a violation, and that its violation increased health care costs. The proposed order seeks to prevent future illegal conduct by prohibiting agreements among competing physicians to raise the rates they receive. At the same time, the order does not prohibit any action that is legal under the antitrust laws. The order does not require any individual doctor to accept a specific rate, a fee tied to Medicare reimbursement rates, or a rate that does not include a cost of living increase. Your comment also states a concern that the antitrust laws do not apply insurance companies. The Commission supports the repeal of the antitrust exemptions for insurance companies.

After considering your comment, the Commission has determined that the public interest would be served by issuing the Decision and Order in final form. We appreciate your interest in this matter. A copy of the final Decision and Order is attached for your information.

By direction of the Commission, Commissioner Ramirez not participating.

Donald S. Clark
Secretary

Enclosure



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

VIA E MAIL

April 5, 2010

Robert Oliver, M.D.
Plastic Surgery Specialists
State of Alabama

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

Dear Dr. Oliver,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Your comment questions whether a collective agreement by an IPA to refuse low contract offers from insurance companies should be unlawful. Long-standing antitrust laws generally prohibit independent physicians in competing practices from simply collectively negotiating prices. An I. P. A. violates the antitrust laws when it negotiates fees on behalf of its physician members. Based on its investigation, the Commission has reason to believe that the Roaring Fork I. P. A. committed that violation, and that its violation increased health care costs. The proposed order seeks to prevent future illegal conduct by prohibiting agreements among competing physicians to raise the rates they receive. At the same time, the order does not prohibit any action that is legal under the antitrust laws. The order does not require any individual doctor to accept a specific rate, a fee tied to Medicare reimbursement rates, or a rate that does not include a cost of living increase. After considering your comment, the Commission has determined that the public interest would be served by issuing the Decision and Order in final form. We appreciate your interest in this matter. A copy of the final Decision and Order is attached for your information.

By direction of the Commission, Commissioner Ramirez not participating.

Donald S. Clark
Secretary

Enclosure



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

VIA E MAIL

April 5, 2010

Samuel L. Sharmat, M.D., P.C.
State of New York

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

Dear Dr. Sharmat,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Your comment asks whether the proposed order generally prohibits physicians from charging higher rates, for example, to cover costs. The proposed order prohibits joint negotiations of rates by competing doctors, which is illegal under the antitrust laws; it does not prohibit any conduct that is legal under the antitrust laws, including decisions by individual physicians or practice groups concerning their rates. The order does not require any individual doctor to accept a specific rate, a fee tied to Medicare reimbursement rates, or a rate that does not include a cost of living increase.

After considering your comment, the Commission has determined that the public interest would be served by issuing the Decision and Order in final form. We appreciate your interest in this matter. A copy of the final Decision and Order is attached for your information.

By direction of the Commission, Commissioner Ramirez not participating.

Donald S. Clark
Secretary

Enclosure



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

VIA E MAIL

April 5, 2010

Mr./Ms. Smith
State of Colorado

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

Dear Mr./Ms. Smith,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Your comment questions whether actions taken by physicians to avoid Medicare or Medicare-based rates should be unlawful. Long-standing antitrust laws generally prohibit independent physicians in competing practices from simply collectively negotiating prices. An IPA violates the antitrust laws when it negotiates fees on behalf of its physician members. Based on its investigation, the Commission has reason to believe that the Roaring Fork I. P. A. committed that violation, and that its violation increased health care costs. The proposed order prohibits joint negotiations of rates by members, which is illegal under the antitrust laws; it does not prohibit any conduct that is legal under the antitrust laws. The order does not require any individual member to accept a specific rate, a fee tied to Medicare reimbursement rates, or a rate that does not include a cost of living increase.

After considering your comment, the Commission has determined that the public interest would be served by issuing the Decision and Order in final form. We appreciate your interest in this matter. A copy of the final Decision and Order is attached for your information.

By direction of the Commission, Commissioner Ramirez not participating.

Donald S. Clark
Secretary

Enclosure



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

VIA E MAIL

April 5, 2010

Ms. Karen Snell
State of New York

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

Dear Ms. Snell,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Your comment states that collective action by physicians facing rising costs should be lawful, and you point to labor unions as an example. While Congress has granted labor unions an exemption from the antitrust laws to negotiate rates, long-standing antitrust principles generally prevent independent physicians in competing practices from collectively negotiating prices. An IPA violates the antitrust laws when it negotiates fees on behalf of its physician members. Based on its investigation, the Commission has reason to believe that the Roaring Fork I. P. A. committed that violation, and that its violation increased health care costs. The proposed order seeks to prevent future illegal conduct by prohibiting agreements among competing physicians to raise the rates they receive. At the same time, the order does not prohibit any action that is legal under the antitrust laws. The order does not require any individual doctor to accept a specific rate, a fee tied to Medicare reimbursement rates, or a rate that does not include a cost of living increase.

After considering your comment, the Commission has determined that the public interest would be served by issuing the Decision and Order in final form. We appreciate your interest in this matter. A copy of the final Decision and Order is attached for your information.

By direction of the Commission, Commissioner Ramirez not participating.

Donald S. Clark
Secretary

Enclosure