

A Health Check on COPAs

Assessing the Impact of Certificates of Public Advantage in Healthcare Markets



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SPEAKER BIOS

Katie Ambrogio is an Attorney Advisor in the FTC's Office of Policy Planning, where she primarily focuses on competition policy advocacy and related projects in the healthcare industry. She was previously an attorney in the Mergers IV Division of the FTC's Bureau of Competition, where she investigated and litigated healthcare provider and consumer products mergers. She later served as an attorney advisor on law enforcement and policy antitrust matters to former Commissioner Julie Brill. Prior to joining the Commission, Ms. Ambrogio was an antitrust attorney at Weil Gotshal in Washington, DC.

Robert Berenson is a Fellow at the Urban Institute, where he conducts research and provides policy analysis primarily on health care delivery issues, particularly related to Medicare payment policy, pricing power in commercial insurance markets, and new forms of health delivery based on reinvigorated primary care practices. In 2015, he co-authored an Urban Institute report on certificates of public advantage. Dr. Berenson has served on the Medicare Payment Advisory Commission and led policy initiatives at the Centers for Medicare and Medicaid Services. Berenson is a board-certified internist, a graduate of the Mount Sinai School of Medicine, a fellow of the American College of Physicians, and on the faculty at the George Washington University School of Public Health.

Kishan Bhatt is a Graduate Fellow in the FTC's Bureau of Economics. He is on a government service leave from his graduate program at Princeton University. Through the Scholars in the Nation's Service Initiative, he researches healthcare antitrust matters at the FTC, and previously advised NIH policymakers on somatic cell gene therapy and gene drive research. He has earned recognition for his healthcare and economic policy writings from Stanford's Hoover Institution, Switzerland's University of St. Gallen, Oxford's Martin School, and Princeton's Center for Health and Wellbeing.

James F. Blumstein is a University Professor of Constitutional Law and Health Law & Policy at Vanderbilt University. The director of Vanderbilt's Health Policy Center, Professor Blumstein has served as the principal investigator on numerous grants concerning managed care, hospital management, and medical malpractice. He is an elected member of the National Academy of Sciences' National Academy of Medicine. Professor Blumstein has been the Olin Visiting Professor at the University of Pennsylvania Law School, an adjunct professor at Dartmouth Medical School, and a visiting professor at Duke Law School and at Duke's Institute of Policy Sciences and Public Affairs. He has also served as former Tennessee Governor Phil Bredesen's counsel on TennCare reform.

Erin C. Fuse Brown is an Associate Professor of Law and a faculty member of the Center for Law, Health & Society at Georgia State University College of Law. She specializes in health law and policy, and her research focuses on health care markets, consolidation, and cost-control. She has published articles in leading legal and medical journals about hospital prices, medical billing, health care competition and consolidation, and consumer financial protection in health care. In particular, she authored reports published by the Milbank Memorial Fund regarding certificates of public advantage in Tennessee, Virginia, and North Carolina. She received a J.D. from Georgetown, an M.P.H. from Johns Hopkins, and a B.A. from Dartmouth College.

Mark L. Callister is a former Special Assistant Attorney General for the Montana Department of Justice, where he helped to evaluate and oversee the Benefis Health COPA. After graduating from the University of Utah College of Law in 1984, he joined Gibson, Dunn & Crutcher in Los Angeles, and completed his legal career in Utah specializing in antitrust litigation. He served as Vice Chair of the State Action Subcommittee and has co-authored several antitrust publications including the 2000 State Action Practice Manual for the ABA Section of Antitrust Law. After retiring from the practice of law in 2014, Mr. Callister served as a patrol deputy with the Davis County Sheriff and is currently an instructor at the Weber State University Law Enforcement Academy.

Cory Capps is a Partner at Bates White Economic Consulting, specializing in industrial organization, empirical methods, and antitrust, with a focus on healthcare. He consults for private firms and government agencies on market power and competition issues in the healthcare sector, and has been a testifying expert in healthcare and antitrust cases, including for the FTC in the merger of Cabell Huntington Hospital and St. Mary's Medical Center. He consulted for the Tennessee Attorney General's office in the evaluation of the Ballad Health COPA, and for Park Ridge Hospital regarding the Mission Health COPA. He was previously a staff economist at the US Department of Justice Antitrust Division and taught at the University of Illinois and Northwestern University's Kellogg School of Management.

Kendall Cotton is the Policy Advisor for the Office of the Montana State Auditor, Commissioner of Securities & Insurance. He specializes in government affairs and direct legislative advocacy for the Montana Insurance Commissioner. His research has focused on reducing barriers for market competition to lower costs, empower consumer decision making and promote innovative direct care options for Montanans.

Richard G. Cowart is a Shareholder at Baker Donelson, as well as chair of the firm's Health Law and Public Policy Department, and a member of the board of directors. He advises senior management regarding policy, regulatory, and business issues related to healthcare. He serves as strategic counsel to healthcare companies and counsels providers on business, policy, and governance issues, with an emphasis on business transactions. In this capacity, he is representing Ballad Health's interests during today's workshop. He has been a past president and fellow of the American Health Lawyers Association. Mr. Cowart earned his J.D. from the University of Mississippi School of Law, and his B.S.B.A. from the University of Southern Mississippi.

Leemore Dafny is the Bruce V. Rauner Professor of Business Administration at the Harvard Business School and the Kennedy School of Government. She is a Research Associate of the NBER, a Board member of the American Society of Health Economists and the Health Care Cost Institute, and serves on the Panel of Health Advisers to the Congressional Budget Office. Professor Dafny has testified on competition issues to both houses of Congress, and was Deputy Director for Health Care and Antitrust at the FTC's Bureau of Economics. She is an Academic Affiliate of Bates White Economic Consulting.

Scott Fowler is the President and Chief Executive Officer of Holston Medical Group. He is a nationally recognized expert and speaker on the role of physician leaders in creating value in healthcare, the importance of a common medical record to patient engagement and quality of care, and healthcare innovation. Dr. Fowler has served as president and CEO of an accountable care organization comprising more than 600 independent physicians across various health systems in Tennessee and Virginia. He is the CEO of OnePartner, a technology company specializing in healthcare transformation and health information exchange. He received his M.D. from Medical College of Georgia in Augusta, J.D. from University of Georgia in Athens, and FACOG from Louisiana State University in New Orleans.

Robert Fromberg is a Senior Vice President overseeing the Thought Leadership group at Kaufman Hall, & Associates, LLC, an advisory, software, and data company that provides hospital and health system consulting services regarding strategic planning, M&A, performance improvement, and capital management. Mr. Fromberg has been a healthcare writer, editor, and publisher for more than 30 years. At Kaufman Hall, his focus is business disruption and the emerging competitive environment in healthcare. Before joining Kaufman Hall, Mr. Fromberg held executive editorial positions at the Healthcare Financial Management Association, the Healthcare Information and Management Systems Society, the American College of Healthcare Executives, and the Joint Commission.

Christopher Garmon is an Assistant Professor of Health Administration at the Henry W. Bloch School of Management at the University of Missouri Kansas City. Prior to joining UMKC, he served as a staff economist at the FTC's Bureau of Economics. He has contributed to the economic analysis of many hospital, physician, and pharmaceutical antitrust investigations and conducted research on hospital mergers and surprise medical bills.

John Goodnow is the Chief Executive Officer of Benefis Health System. During his tenure, Benefis has consistently achieved Medicare breakeven since 2012, and has been recognized as one of the 150 Top Places to Work in Healthcare by Becker's Hospital Review for six consecutive years. Before joining Benefis, Goodnow worked at various non-profit and for-profit health systems, including Henry Ford Hospital, University of Mississippi Medical Center, Catholic Healthcare Partners' Lima Region (now Bon Secours Mercy Health), and Hospital Corporation of America. He earned a Bachelor degree in Biological Science and Administrative Health Sciences from the University of California-Davis and a Master of Health Services Administration from the University of Michigan.

Thomas (Tim) Greaney is a Visiting Professor of Law at UC Hastings College of Law in San Francisco and Distinguished Senior Fellow with the UC Hastings/UCSF Consortium on Law, Science & Health Policy. He is also Chester A. Myers Emeritus Professor of Law at Saint Louis University School of Law where he served as Director of the Center for Health Law Studies. His research focuses on the application of antitrust law to the health care sector, health care financing, and health care law and policy. Previously, he served as an Assistant Chief at the US Department of Justice Antitrust Division, supervising health care antitrust litigation. He received his B.A. from Wesleyan University and his J.D. from Harvard Law School.

Joseph Hilbert serves as Deputy Commissioner for Governmental and Regulatory Affairs at the Virginia Department of Health. He is responsible for the coordination and implementation of a wide range of internal and external legislative, policy, and communications activities. Mr. Hilbert received his B.A. in Political Science from the State University of New York at Albany, and an M.P.A. from New York University. He is also a graduate of the Virginia Executive Institute.

Janet M. Kleinfelter is a Deputy Attorney General in the Public Interest Division of the Office of Tennessee Attorney General, where she has responsibility for overseeing nonprofit corporations, including public benefit hospitals, as well as charitable gift and charitable trust related matters. Additionally, the Public Interest Division represents and advises all government officials and departments on issues involving public records and open meetings. Prior to joining the Office of the Tennessee Attorney General, she clerked for Judge William C. Koch on the Tennessee Court of Appeals. She graduated summa cum laude from King College and from the University of Tennessee, George C. Taylor School of Law, magna cum laude, Order of the Coif.

Laura Kmitch is a Manager in the Antitrust and Competition Practice at Bates White Economic Consulting. She provides consulting support, performs economic and statistical analyses, and leads teams in reviewing and analyzing large, complex data sets. Her experience also includes supporting testifying experts and private companies through all phases of government antitrust investigations and litigation. Prior to joining Bates White, she worked in the FTC's Bureau of Economics.

Daniel J. Pohlgeers is the Owner of Sunesis Medical, a medical group consulting company in Johnson City, Tennessee. He has 29 years of clinical and supervisory experience. Pohlgeers volunteers on several boards, including the Tennessee COPA Local Advisory Council, Frontier Health, Tennessee Group Practice Coalition, Kingsport and Johnson City Chamber of Commerce - Legislative Affairs Committees, and the Eastern Tennessee State University Prescription Drug Abuse and Misuse Working Group. He is a former member of the Tennessee Advisory Council on Workers' Compensation. He graduated from Eastern Kentucky University with a degree in Occupational Therapy and later earned his MBA from Milligan College.

Elena Prager is an Assistant Professor at the Kellogg School of Management, Northwestern University, where she teaches data analysis and economics. Professor Prager's work uses empirical analyses of large datasets to answer policy-relevant questions about strategic behavior among health insurers and health care providers. In recent research, she has examined provider network formation, health insurance plan design, and hospital mergers.

Joseph J. Simons was sworn in as Chairman of the Federal Trade Commission on May 1, 2018. Before joining the Commission, he was a partner at Paul, Weiss, Rifkind, Wharton & Garrison LLP and Co-Chair of the firm's Antitrust Group. His practice there focused on antitrust M&A, litigation, and counseling. Prior to joining Paul, Weiss, he was the Director of the FTC's Bureau of Competition from 2001 until 2003, and he also served an earlier stint at the Bureau of Competition from 1987 to 1989 as Assistant to the Director, then Assistant Director for Evaluation, and finally Associate Director for Mergers.

Thomas Stratmann is a University Professor of Economics and Law at George Mason University. He has written on topics of political economy and health economics and has published in journals such as the *American Economic Review*, the *American Journal of Political Science*, the *American Political Science Review*, the *Journal of Political Economy*, the *Journal of Law and Economics*, and the *Review of Economics and Statistics*. He has a Ph.D in economics from the University of Maryland.

K. D. (Kip) Sturgis is a Special Deputy Attorney General at the North Carolina Department of Justice, where he was responsible for overseeing the Mission Health certificate of public advantage. Following five years as an administrative law judge for the North Carolina Department of Natural Resources, and two years in the Environmental Division of the North Carolina Department of Justice, in 1987 Mr. Sturgis began enforcing state and federal antitrust laws in the Consumer Protection Division of the North Carolina Department of Justice.

John B. Syer, Jr. is the Vice President, East Region Networks at Anthem Blue Cross and Blue Shield in Virginia, responsible for provider contracting and network development for Commercial and Government business across 11 states. Previous roles at Anthem include Regional Vice President of Provider Solutions overseeing hospital, physician and other professional provider network development and management for Par, PPO, HMO, Medicare Advantage, and Medicaid networks throughout Virginia; Director of Physician Network Management; Program Manager for Ancillary Services Programs; and Regional Business Unit marketing/underwriting. He graduated from the University of Virginia and the College of William and Mary's Mason School of Business Administration.

Aileen Thompson has served as Assistant Director in the FTC's Bureau of Economics since 2014. Prior to becoming Assistant Director, she served for ten years as Deputy Assistant Director. She has supervised the economic analysis for antitrust investigations of a broad range of industries, including hospitals, supermarkets, pharmaceuticals, and consumer products. She received her Ph.D. from the University of Michigan. Prior to joining the FTC, she was an Associate Professor at Carleton University in Ottawa, Ontario.

Lien H. Tran is a Senior Staff Economist with the FTC's Bureau of Economics. She has participated in and led several major investigations and advocacy projects in health care, pharmaceutical, electronic databases, and consumer product markets. Prior to joining the FTC, she was a Research Fellow at the Rand Corporation and taught at California State - Fullerton. She received her Ph.D. from the University of California at Berkeley.

Gregory Vistnes is a Vice President at Charles River Associates in Washington, DC, specializing in the economic analysis of antitrust and competition issues. In 2011, Dr. Vistnes was retained by the state of North Carolina to analyze certain aspects of the Mission Health certificate of public advantage. Prior to joining Charles River Associates, he served as the Deputy Director for Antitrust in the FTC's Bureau of Economics where he was responsible for the economic analysis of all antitrust matters before the Commission and as an Assistant Chief in the US Department of Justice Antitrust Division's Economic Analysis Group. Dr. Vistnes holds a doctorate in Economics from Stanford University and an A.B. from the University of California at Berkeley.

Goldie Veronica Walker is a Senior Staff Attorney in the FTC's Bureau of Competition, Mergers IV Division, where she has participated in and led major antitrust investigations and litigations in various retail and healthcare industries. She served as the Bureau's lead attorney on the Wellmont Health System/Mountain States Health Alliance investigation. She received her B.A. from Hampton University and earned J.D. and M.A. degrees from American University.

Tracy Wertz is the Chief Deputy Attorney General in the Antitrust Section at the Pennsylvania Office of Attorney General, where she has investigated numerous healthcare provider mergers. She has served as the co-chair of the ABA Section of Antitrust Law State Enforcement Committee. She received her J.D. from the University of Dayton School of Law.

Stephanie A. Wilkinson is an Attorney Advisor in the FTC's Office of Policy Planning, where her primary focus is competition advocacy relating to healthcare matters. She was previously a senior staff attorney in the Bureau of Competition, Mergers I Division, where she investigated mergers involving a range of industries including pharmaceuticals, hospitals, medical devices, laboratory services, high technology, and chemicals. She earned her J.D. from William and Mary School of Law, and her B.A. from Vanderbilt University.