



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

Concurring Statement of Commissioners Noah Joshua Phillips and Christine S. Wilson

Lifespan Corporation and Care New England Health System
File No. 2110031

February 17, 2022

Today, the Commission issued an administrative complaint and authorized staff to seek a preliminary injunction to challenge the proposed combination of Lifespan Corporation and Care New England, two hospital systems in Rhode Island. We voted for the complaint, which reflects the diligent and much-appreciated investigative work of Commission lawyers and economists.

Chair Khan and Commissioner Slaughter write separately to state that they would have added a count in the complaint alleging harm in a relevant labor market. The Commission has challenged monopsony concerns in input markets in prior merger challenges.¹ Where the evidence supports such a challenge, we support bringing one. Here, we do not agree that it does. Including the additional count would also add complexity to the litigation and demand further resources to try the case, without changing the relief the Commission will obtain from a successful challenge to the current product market case or improving the Commission's odds of success. For these reasons, we did not support a labor-market count in this matter.

¹ See Analysis of Agreement Containing Consent Orders to Aid Public Comment at 2, Grifols S.A., File No. 181-0081 (Aug. 1, 2018), https://www.ftc.gov/system/files/documents/cases/181_0081_c4654_grifols-biotest_analysis.pdf.