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## Industry Guidance

HEALTH CARE

OIL AND GAS

TECHNOLOGY

# Competition in the Health Care Marketplace

Competition in health care markets benefits consumers because it helps contain costs, improve quality, and encourage innovation. The Federal Trade Commission's job as a law enforcer is to stop firms from engaging in anticompetitive conduct that harms consumers. The agency also provides guidance to market participants -- including physicians and other health professionals, hospitals and other institutional providers, pharmaceutical companies and other sellers of health care products, and insurers -- to help them comply with the nation's antitrust laws.

Additionally, the Commission and its staff undertake a variety of other activities to promote competition in health care. One key area is research and reports on competition issues in health care and, in the past, has included such matters as: empirical studies of generic drug entry, contact lens sales, and mail order pharmacies; economic analyses of the effects of mergers involving non-profit hospitals and of state "any willing provider" laws; and a series of public hearings in 2003 on a wide range of issues in health care.

Another broad area of activity is competition advocacy. Aside from speeches to market participants, the FTC and its staff advise federal and state governmental bodies on competition issues in health care, in an effort to provide policymakers with a sound basis for assessing the implications for competition and consumers of proposed legislative or regulatory actions.

This web site provides information about the full range of FTC activities to protect and promote competition in health care markets.

## CORE HEALTH CARE COMPETITION DOCUMENTS

- [Statements of Antitrust Enforcement Policy in Health Care \[PDF\]](#)

- [Statement of Antitrust Enforcement Policy Regarding Accountable Care Organizations](#)
- [Pharmaceutical Agreement Filing Requirements](#)
- [Frequently Asked Questions About Filing Pharmaceutical Agreements \[PDF\]](#)
- [Overview of FTC Actions in Health Care Services and Products \[PDF\]](#)
- [Overview of FTC Actions in Pharmaceutical Products and Distribution \[PDF\]](#)
- [Topic and Yearly Indices of Health Care Antitrust Advisory Opinions by Commission and Staff \[PDF\]](#)

## HEALTH CARE INITIATIVES

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- [Improving Health Care: A Dose of Competition \(2003 Hearings and July 2004 Report\)](#)
- [Accountable Care Organizations](#)
- [Pharmaceutical Agreement Filings](#)
- [Advisory Opinion Process \(Health Care\) \[PDF\]](#)

Contact information for Bureau of Competition staff on health care matters

### ▶ CASES

- [Wellmont Health System/Mountain States Health Alliance \(October 3, 2016\)](#)
- [LabMD, Inc., In the Matter of \(September 29, 2016\)](#)
- [The Penn State Hershey Medical Center/PinnacleHealth System \(September 27, 2016\)](#)
- [Penn State Hershey Medical Center, FTC and Commonwealth of Pennsylvania v. \(September 27, 2016\)](#)
- [Teva and Allergan, In the Matter of \(September 15, 2016\)](#)
- [Mylan, N.V., In the Matter of \(September 8, 2016\)](#)
- [Victrex plc, et al., In the Matter of \(August 5, 2016\)](#)
- [FTC v. Advocate Health Care Network \(July 15, 2016\)](#)
- [Cabell Huntington Hospital/St. Mary's Medical Center, In the Matter of \(July 6, 2016\)](#)
- [John Fowler \(June 6, 2016\)](#)

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### ▶ PRESS RELEASES

- [FTC Staff Provides Comment and Testimony Opposing Proposed Cooperative Agreement and Merger of Hospital Systems in Southwest Virginia \(October 3, 2016\)](#)
- [Amicus Brief Filed by FTC and DOJ Urges Appeals Court to](#)

[Dismiss Appeal by Texas Medical Board in Antitrust Lawsuit \(September 14, 2016\)](#)

- [FTC to Participate in CDC Twitter Chat on Healthy Contact Lens Wear and Care \(August 22, 2016\)](#)
- [FTC Staff Comment: Delaware Dietetics/Nutrition Board Proposal to Expand Access to Telehealth Services Could Benefit Consumers \(August 17, 2016\)](#)
- [FTC Approves Final Order in Practice Fusion Privacy Case \(August 16, 2016\)](#)
- [FTC Staff Comment: Delaware Occupational Therapy Board Proposal to Expand Access to Telehealth Services Could Benefit Consumers \(August 4, 2016\)](#)
- [FTC Staff Supports Department of Veterans Affairs Proposed Rule To Grant Full Practice Authority to Advanced Practice Registered Nurses \(July 25, 2016\)](#)
- [FTC Obtains Summary Judgment Decision Against Medical Discount Card Scammers \(July 21, 2016\)](#)
- [Operators of Phony Doctor Certification Program and Misleading Health and Lifestyle Websites Settle FTC Charges \(June 21, 2016\)](#)
- [Electronic Health Records Company Settles FTC Charges It Deceived Consumers About Privacy of Doctor Reviews \(June 8, 2016\)](#)

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## ▶ **BLOG POSTS**

- [Health-y reading \(May 12, 2016\)](#)
- [Quo Vadis Post-Actavis? \(March 30, 2016\)](#)
- [Antitrust Violation vs. Injury-in-Fact: A distinction that makes a difference \(February 26, 2016\)](#)
- [Is FTC v. Actavis Causing Pharma Companies to Change Their Behavior? \(January 13, 2016\)](#)
- [Monitors: Expert eyes and ears in Commission orders \(July 14, 2015\)](#)
- [Not just an opinion: competition really is key to healthy health care markets \(July 8, 2015\)](#)
- [Price transparency or TMI? \(July 2, 2015\)](#)
- [Double dog dare: Read FTC staff's new report on pet medications](#)

[competition \(May 27, 2015\)](#)

- [From the antitrust mailbag: What can the FTC do about prescription drug price spikes? \(May 18, 2015\)](#)
- [Power shopping for an alternative buyer \(March 31, 2015\)](#)

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## ► PUBLIC EVENTS

- [Examining Health Care Competition \(February 24, 2015\)](#)
- [Conditional Pricing Practices: Economic Analysis and Legal Policy Implications \(June 23, 2014\)](#)
- [Examining Health Care Competition \(March 20, 2014\)](#)
- [Follow-On Biologics Workshop: Impact of Recent Legislative and Regulatory Naming Proposals on Competition \(February 4, 2014\)](#)
- [Consumer Protection and the Healthcare Marketplace \(September 19, 2013\)](#)
- [Senior Identity Theft: A Problem in This Day and Age \(May 7, 2013\)](#)
- [Pet Medications Workshop \(October 2, 2012\)](#)
- [Another Dose of Competition: Accountable Care Organizations and Antitrust \(May 9, 2011\)](#)
- [Workshop Regarding Accountable Care Organizations and Implications Regarding Antitrust, Physician Self-Referral, Anti-Kickback and Civil Monetary Penalty \(CMP\) Laws \(October 5, 2010\)](#)
- [Emerging Health Care Competition and Consumer Issues: Competition Issues Involving Follow-on Biologic Drugs \(November 21, 2008\)](#)

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## ► PUBLIC STATEMENTS

- [Keynote Address of FTC Chairwoman Edith Ramirez \(May 12, 2016\)](#)
- [FTC Research, Enforcement, and Advocacy at the Intersection of Antitrust and IP \(April 20, 2016\)](#)
- [Competition Law: Keeping Pace in a Digital Age \(April 15, 2016\)](#)
- [Reflections on an Active Year in Merger Enforcement \(February 5, 2016\)](#)
- [Taking the humble approach: An in-depth Q&A with Maureen Ohlhausen \(January 15, 2016\)](#)
- [Concurring Statement of Commissioner Julie Brill on the Joint Statement of the Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice to the Virginia Certificate of Public Need Work Group \(October 26, 2015\)](#)
- [Statement of the Federal Trade Commission FTC v. Cephalon, Inc. \(May 28, 2015\)](#)
- [Opening Remarks by FTC Chairwoman Edith Ramirez at Cephalon/Teva Settlement Press Conference \(May 28, 2015\)](#)
- [Remarks of Commissioner Terrell McSweeney \(As Prepared For Delivery\), 2015 Annual Antitrust Spring Seminar \(April 28, 2015\)](#)
- [Statement of the Federal Trade Commission In the Matter of Cardinal Health, Inc. \(April 20, 2015\)](#)

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#### ▶ **ADVISORY OPINIONS**

- [Quest Analytics Group \(March 10, 2014\)](#)
- [Norman Physician Hospital Organization \(February 13, 2013\)](#)
- [The Methodist Hospital System \(November 30, 2012\)](#)
- [Generic Pharmaceutical Association \(August 8, 2012\)](#)
- [Yakima Valley Memorial Hospital \(September 16, 2010\)](#)
- [Rx-360 International Pharmaceutical Supply Chain Consortium \(September 16, 2010\)](#)
- [Community CarePartners, Inc. \(July 2, 2010\)](#)
- [University of Michigan \(April 9, 2010\)](#)
- [TriState Health Partners, Inc. \(April 13, 2009\)](#)
- [Kaiser Foundation Health Plan \(February 13, 2008\)](#)

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#### ▶ **REPORTS**

- [Direct-to-Consumer Advertising and Online Search](#) (August 5, 2016)
- [Staff Report on Drug Product Selection](#) (January 1, 1979)
- [Competition in the Pet Medications Industry: Prescription Portability and Distribution Practices](#) (May 27, 2015)
- [Agreements Filled With the Federal Trade Commission Under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003: Overview of Agreements Filed In Fiscal Year 2013: A Report By the Bureau of Competition](#) (December 22, 2014)
- [Banning Foreign Pharmacies from Sponsored Search: The Online Consumer Response](#) (April 16, 2014)
- [Self-Regulation in the Alcohol Industry: Report of the Federal Trade Commission](#) (March 20, 2014)
- [Policy Perspectives: Competition and the Regulation of Advanced Practice Nurses](#) (March 7, 2014)
- [Economics at the FTC: Physician Acquisitions, Standard Essential Patents, and Accuracy of Credit Reporting](#) (November 1, 2013)
- [Agreements Filed With the Federal Trade Commission Under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003: Overview of Agreements Filed in Fiscal Year 2011: A Report by the Bureau of Competition](#) (January 1, 2012)
- [Agreements Filed With the Federal Trade Commission Under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003: Overview of Agreements Filed in Fiscal Year 2012: A Report by the Bureau of Competition](#) (January 1, 2013)

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## ▶ **ADVOCACY FILINGS**

- [Submission by FTC Staff to the Southwest Virginia Health Authority and Virginia Department of Health Regarding Cooperative Agreement Application of Mountain States Health Alliance and Wellmont Health System](#) (October 2016)
- [FTC Staff Comment to the Delaware Board of Dietetics/Nutrition Regarding Its Proposed Telehealth Regulation](#) (August 2016)
- [FTC Staff Comment Before the Delaware Board of Occupational Therapy Concerning its Proposed Telehealth Regulation](#) (August 2016)
- [FTC Staff Comment Before the Alabama State Senate Regarding Alabama House Bill 241 and Senate Bill 243](#) (May 2016)
- [FTC Staff Comment to the Alaska State Legislature Regarding Telehealth Provisions In Senate Bill 74, Which Would Allow](#)

[Licensed Alaska Physicians Located Out-of-State To Provide Telehealth Services \(March 2016\)](#)

- [FTC Staff Comment to the Kentucky House of Representatives Regarding House Bill 77, Which Would Recognize and Regulate Denturists \(March 2016\)](#)
- [FTC Staff Comment to Georgia State Senator Valencia Seay Concerning Georgia House Bill 684 \(February 2016\)](#)
- [FTC Staff Comment Submitted to the Food and Drug Administration, In Response to FDA's Request For Comments on Its Guidance for Industry on the "Nonproprietary Naming of Biological Products; Draft Guidance for Industry; Availability" \(October 2015\)](#)
- [Joint Statement of the Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice to the Virginia Certificate of Public Need Work Group \(October 2015\)](#)
- [FTC Staff Comment, and Concurring Comment of Commissioner Wright, Regarding North Carolina House Bill 200, Which Would Exempt Diagnostic Centers, Ambulatory Surgical Facilities and Psychiatric Hospitals From Certificate of Need Regulation \(July 2015\)](#)

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#### ▶ **AMICUS BRIEFS**

- [Teladoc, Incorporated, et al. v. Texas Medical Board et al. \(September 14, 2016\)](#)
- [In re Wellbutrin Antitrust Litigation \(March 11, 2016\)](#)
- [Mylan Pharmaceuticals, Inc. v. Warner Chilcott plc, et al. \(September 30, 2015\)](#)

[Wellbutrin XL Antitrust Litigation, In re \(September 26, 2013\)](#)

- [In re K-Dur Antitrust Litigation \(May 18, 2011\)](#)
- [Arkansas Carpenters Health and Welfare Fund, et. al v. Bayer AG, et. al \(In re Ciprofloxacin Hydrochloride Antitrust Litigation\) \(May 20, 2010\)](#)
- [In re Ciprofloxacin Hydrochloride Antitrust Litigation \(January 25, 2008\)](#)
- [In re DDAVP Direct Purchaser Antitrust Litigation \(May 25, 2007\)](#)
- [In re Tamoxifen Citrate Antitrust Litigation \(November 30, 2005\)](#)
- [Teva Pharmaceuticals USA, Inc. v. Pfizer, Inc. \(February 8, 2005\)](#)

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## ▶ PUBLIC COMMENTS

- [#375: Accountable Care Organizations \(ACOs\) under the Medicare Shared Savings Program, Section 3022 of the Affordable Care Act](#)
- [#344: FTC File No. 051 0199; In the Matter of Minnesota Rural Health Cooperative, a corporation](#)
- [#331: FTC File No. 061 0172; In the Matter of Roaring Fork Valley Physicians I.P.A., Inc., a corporation](#)
- [#330: FTC File No. 091 0159; In the Matter of Danaher Corporation, a corporation, and MDS, Inc., a corporation](#)
- [#323: FTC Docket No. C-4268; In the Matter of Schering-Plough Corporation, a corporation, and Merck & Co. Inc., a corporation](#)
- [#322: FTC Docket No. C-4267; In the Matter of Pfizer Inc., a corporation, and Wyeth, a corporation](#)
- [#318: FTC File No. 081 0259; Docket No. 9338: In the Matter of Carilion Clinic, a corporation](#)
- [#274: File No. 051 0252; Boulder Valley Individual Practice Association, et al.; Agreement Containing Consent Order To Aid Public Comment](#)
- [#265: Project No. P08390; Emerging Health Care Competition and Consumer Issues; Notice of Public Workshops and Roundtables and Opportunity for Comment](#)
- [#244: Project No. V080005; Innovations in Health Care Delivery: Public Workshop and Request for Comments](#)



## ▶ BUSINESS EDUCATION

- [Mobile Health App Developers: FTC Best Practices](#) (April 4, 2016)
- [Mobile Health Apps Interactive Tool](#) (April 4, 2016)

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## ▶ TESTIMONY

- [Prepared Statement of the Federal Trade Commission On Quality Health-Care Coalition Act of 1998](#) (July 29, 1998)
- [Prepared Statement of the Federal Trade Commission On Pharmaceutical Industry](#) (April 23, 2002)
- [Prepared Statement of the Federal Trade Commission On Competition in the Pharmaceutical Marketplace](#) (May 24, 2001)
- [Prepared Statement of the Federal Trade Commission On Competition In the Pharmaceutical Industry](#) (June 17, 2003)
- [Prepared Statement of the Federal Trade Commission On Greater Access to Affordable Pharmaceuticals Act](#) (August 1, 2003)
- [Prepared Statement of the Federal Trade Commission On Contact Lens Legislation](#) (September 9, 2003)
- [Prepared Statement of the Federal Trade Commission On Health Care Competition](#) (September 15, 2006)
- [Prepared Statement of the Federal Trade Commission On Competition in the U.S. Pharmaceutical Industry](#) (October 9, 2002)
- [Prepared Statement of the Federal Trade Commission: Oversight of the Federal Trade Commission Bureau of Competition and the Department of Justice Antitrust Division](#) (July 27, 2010)
- [Prepared Statement of the Federal Trade Commission On Generic Drug Entry](#) (July 20, 2006)

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