DOJ Withdraws Outdated Healthcare Enforcement Policy Statements



3/30/2023

On February 3, 2023, the Department of Justice ("DOJ") issued a press release announcing the withdrawal of three antitrust policy statements related to enforcement in healthcare markets, including DOJ and FTC Antitrust Enforcement Policy Statements in the Health Care Area (September 15, 1993), Statements of Antitrust Enforcement Policy in Health Care (August 1, 1996), and Statement of Antitrust Enforcement Policy Regarding Accountable Care Organizations Participating in the Medicare Shared Savings Program (October 20, 2011). The DOJ found that these policies were not aligned with current best practices on information sharing and no longer served the purpose of providing guidance to the public regarding healthcare competition. The DOJ stated that recent enforcement actions in healthcare should guide the public and that a case-by-case approach to enforcement will allow the DOJ to better evaluate mergers and monitor conduct that may harm competition in healthcare markets.

Click here to read the entire March 2023 Healthcare Law Update

For more information, contact:
John D. Fanburg, Chair | 973.403.3107 | fanburg@bracheichler.com
Edward Hilzenrath | 973.403.3114 | ehilzenrath@bracheichler.com
Vanessa Coleman | 973.364.5208 | vcoleman@bracheichler.com