Bureau sfCompelition
FEDERAL TRAOE COMMISSION WASMCNGPBN, B.C.205@se,

December L.2, 1985

8, Ward Lane, M,D,
Pzesident
Nocth Texas Chapter
heriean College sf Surgeons
3606 Gaston Avenuep Suite 994
Dallas, TX 75246

Dear Dr, Lane:

This is in resmwse to you letter of October"21, 1985 zega~dingtbc antitowe implications sf various Qtowded*uses of an alseady cmpletad fee survey condwted by the Mwtk Texas

Chapter of the Mexican College of Surgeons (.AcS').According to youn letters and OUE telephone csnversatisrrs, the XS,Loas

conducted a swvey of fees cha~gedby its 658 member suogeaas, ~epresentingapproximately 50 percent sf the surgeans practicing in northern Texas, The purpose sf the survey is to pfovlde infoemaeion to interested persons, such as ACS mabeos, insurers,

MOa, hospitals, govarmental agencies, and ients, regarding

the range of fees changed for the ten most c on surgical. procedures in each srrrgicsll speciality, One anticipated use of

the survey is to faellitate individual negotiations between surgeons and thied-party payers in establishing reimbursement levels, Although the WCS has not yet decided exactly how to distribute car make available the survey, you mentioned that one inethod mignt be to send Lettecs to the various interested parries, such as thied-party purchasers and the member surgeons. Ansther method might be to arrange for an article to be -pqblished in Local newspapess,

aased on the information provided in your letter,
distribution of the fee survey does not appear to raise

pumpse for conducting a survey -- to enhance
bargaining between sur $eons and third-par ty pa viding a data sase eon all parties -- is Legitimate and may pramate pe ice cmpetition surgeons. Seand, certain aspects of the survey and your plans for its distr iburion make 'it unlikely that pgice ~Lfarnityis intended or anticipated, The survey results, by refLectPng a pang@ of fees, ace not as Likely to serve as a guide for mifsew pricing as would one spccifie p%iee, Also, the survey's availability to buyers and sellers is consistent with

enhancing the procompetitive benefits of data skrari'ng, Additionally, the swvey appears to impose a0 c

no one is expect
aegisn as a resa&of tkr ey findingsD Given these facts,
and in light of the stated pri~gpseand the geneeally
mmfcancearteate nature oE SU;~QICBII matkets the distribution of
the swvay does not appear likely to violate the Federal Trade
tssion Act,

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