

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Timothy J. Muris, Chairman**
 Sheila F. Anthony
 Mozelle W. Thompson
 Orson Swindle
 Thomas B. Leary

)	
In the Matter of)	
)	
SPA HEALTH ORGANIZATION,)	File No. 0110197
d/b/a SOUTHWEST PHYSICIAN)	
ASSOCIATES,)	
)	
a corporation.)	

**AGREEMENT CONTAINING
CONSENT ORDER TO CEASE AND DESIST**

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of Southwest Physician Associates, hereinafter referred to as “Proposed Respondent,” and it now appearing that Proposed Respondent is willing to enter into an Agreement Containing Consent Order to Cease and Desist (“Consent Agreement”) from certain acts and practices, and providing for other relief,

IT IS HEREBY AGREED by and between Proposed Respondent and its attorneys, and counsel for the Commission that:

1. Proposed Respondent SPA Health Organization (“SPA”), doing business as Southwest Physician Associates, is a non-profit corporation organized, existing, and doing business under and by virtue of the laws of the State of Texas, with its office and principal place of business located at 8150 North Central Expressway, Suite 1250, Dallas, Texas 75206. SPA was incorporated by, and its officers and directors are, physicians engaged in the private practice of medicine. SPA was established and has operated in material part for the pecuniary benefit of physicians associated with SPA.

2. Proposed Respondent admits all the jurisdictional facts set forth in the draft of Complaint here attached.
3. Proposed Respondent waives:
 - a. any further procedural steps;
 - b. the requirement that the Commission's Decision and Order ("Order"), attached hereto and made a part hereof, contain a statement of findings of fact and conclusions of law;
 - c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Consent Agreement; and
 - d. any claim under the Equal Access to Justice Act.
4. This Consent Agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Consent Agreement is accepted by the Commission, then it, together with the draft of Complaint contemplated thereby, will be placed on the public record for a period of thirty (30) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Consent Agreement and soto public1qontek et of

interpretation not contained in the Order or the Consent Agreement may be used to vary or contradict the terms of the Order.

7. Proposed Respondent has read the draft of the Complaint and the Order contemplated hereby. By signing this Consent Agreement, Proposed Respondent represents that the full relief contemplated by this Consent Agreement can be accomplished. Proposed Respondent understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Order. Proposed Respondent agrees to comply with Paragraphs II and III of the draft Decision and Order from the date it signs this Consent Agreement. Proposed Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after the Order becomes final.

Southwest Physician Associates,
a corporation.

By _____
Bruce Landes
President of SPA Health Organization
Signed this ___ day of _____, 2003.

Lewis A. Noonberg
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Washington, DC 20036

Counsel for Southwest Physician Associates

FEDERAL TRADE COMMISSION

BY: _____
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Senior Counsel to the Northeast Region

APPROVED:

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