

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

	)	
	)	
<b>In the Matter of</b>	)	
	)	<b>File No. 0310134</b>
<b>SOUTHEASTERN NEW MEXICO</b>	)	
<b>PHYSICIANS IPA, INC.,</b>	)	
<b>a corporation,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>BARBARA GOMEZ and</b>	)	
<b>LONNIE RAY,</b>	)	
<b>individually.</b>	)	
	)	

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

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of the Southeastern New Mexico Physicians IPA, Inc. (“SENM”), Barbara Gomez, and Lonnie Ray, hereinafter collectively referred to as “Proposed Respondents,” and it now appearing that Proposed Respondents are 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 Respondents and their attorneys, and counsel for the Commission that:

1. Proposed Respondent SENM is a not-for-profit corporation, organized, existing, and doing business under and by virtue of the laws of the State of New Mexico, with its principal address at 500 North Main Street, Suite 618, Roswell, NM 88201.
2. Proposed Respondent Barbara Gomez’s principal address is 500 North Main Street, Suite 618, Roswell, NM 88201.
3. Proposed Respondent Lonnie Ray’s principal address is 500 North Main Street, Suite 618, Roswell, NM 88201.
4. Proposed Respondents admit all the jurisdictional facts set forth in the draft of Complaint here attached.
5. Proposed Respondents waive:



9. Proposed Respondents have read the draft of the Complaint and the Decision and Order contemplated hereby. By signing this Consent Agreement, Proposed Respondents represent that the full relief contemplated by this Consent Agreement can be accomplished. Proposed Respondents understand that once the Decision and Order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the Decision and Order. Proposed Respondents agree to comply with Paragraph II of the draft Decision and Order from the date they sign this Consent Agreement. Proposed Respondents represent that, if a payor exercises its right to terminate its preexisting contract pursuant to Paragraph V.B of the Decision and Order, that Proposed Respondent SENM has the authority to terminate that contract without obtaining the consent of any person, including, but not limited to, any physician member of Proposed Respondent SENM. Proposed Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Decision and Order after the Decision and Order becomes final.

**SOUTHEASTERN NEW MEXICO PHYSICIANS IPA, INC.**  
a corporation.

By: \_\_\_\_\_  
Philip Heavner, M.D., President of the Southeastern  
New Mexico Physicians IPA, Inc.  
Signed this \_\_\_ day of, \_\_\_\_\_, 200\_

\_\_\_\_\_  
Barbara Gomez  
(on her own behalf)  
Signed this \_\_\_ day of, \_\_\_\_\_, 200\_

\_\_\_\_\_  
Lonnie Ray  
(on her own behalf)  
Signed this \_\_\_ day of, \_\_\_\_\_, 200\_

\_\_\_\_\_  
Andrew S. Gordon, Esq., Counsel for the  
Southeastern New Mexico Physicians IPA, Inc.,  
Barbara Gomez, and Lonnie Ray  
Signed this \_\_\_ day of, \_\_\_\_\_, 200\_

**FEDERAL TRADE COMMISSION**

By: \_\_\_\_\_  
Steve Vieux  
Attorney

**APPROVED:**

\_\_\_\_\_  
David R. Pender  
Deputy Assistant Director  
Federal Trade Commission

\_\_\_\_\_  
Jeffrey W. Brennan  
Assistant Director  
Federal Trade Commission

\_\_\_\_\_  
Susan A. Creighton  
Director  
Bureau of Competition  
Federal Trade Commission