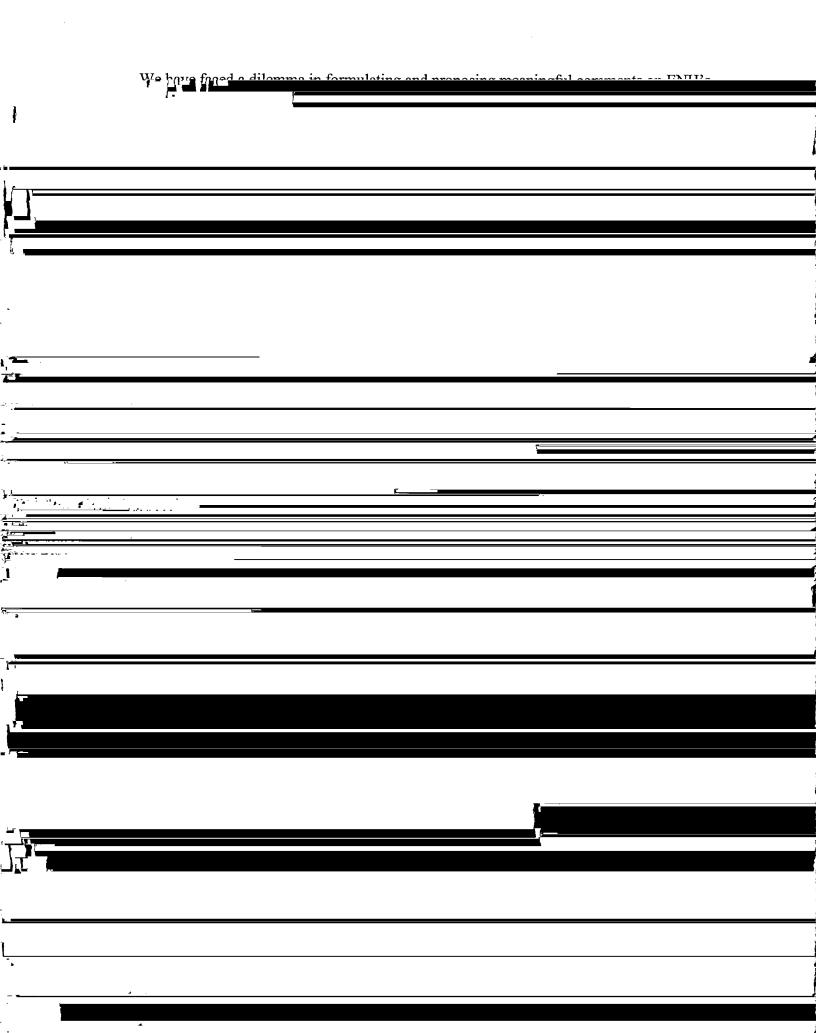
		<u> </u>	TRADE COMMA.
		-	
<u> </u>			
-	- X	-	
<u> </u>			
		- u	
	•		
	-		
<u> </u>			
	*		
		1	i ya
	1 14 14	V	-1,,
y .			
3	"		
1			
4.		F	
<u></u>			
<i>j</i>		_	
- <u>3</u>			
<u> </u>	<u> </u>		
			
,	,		
	-		
-			
, <u>x</u> ====			
· .			
			1
	UNITE	D STATES OF AMERICA	533152
		DERAL TRADE COMMISSION	SECRETARY
)	
	In the matter of)	
		,	
	Evanston Northwestern Healthcare	Ś	
	Corporation,) Docket No. 9315	
	a corporation, and)	
	a corporation, and) PUBLIC	
	ENH Medical Group, Inc.,) I OBLIC	
	a corporation.))	
	a corporation.	<i>)</i>	
	COMBI ATAM COTAGE		ODOG A I
	COMPLAINT COUNSE	<u>EL'S COMMENTS ON ENH'S PRO</u>	JPUSAL

GENERAL COMMENTS

-	Toulous this to the tour tour tour tour of the Court of the Committee of the
<u></u>	
h a	· · · · · · · · · · · · · · · · · · ·
.	
•	•
 -	
	integration of operations and improvements that ENH has made at Highland Park in the seven
	years since consummation of the merger as factors mitigating against the presumptive remedy of
	divestiture for an unlawful merger. In particular, the Commission expressed concern that certain
- 70	incomparation would and added and in a surface and in the surface and
•	
	r.
. I.	



payments and lower coverage for MCO plan enrollees. We have therefore evaluated ENH's proposal to determine whether there are any appropriate changes or additions that we could propose or suggest. Our proposals suggestions and specific comments are set forth below. SPECIFIC COMMENTS ON ENH'S PROPOSED ORDER ENTERnanced orderinglished a number of definitions and marries mosthet and inconsistent with the ordering language and approach used in other Commission healthcare orders, 5 including ENH's own consent order in this matter that settled the physician price-fixing a in Count III aftha Commission? - Commission /h aming Com TNIII 2006



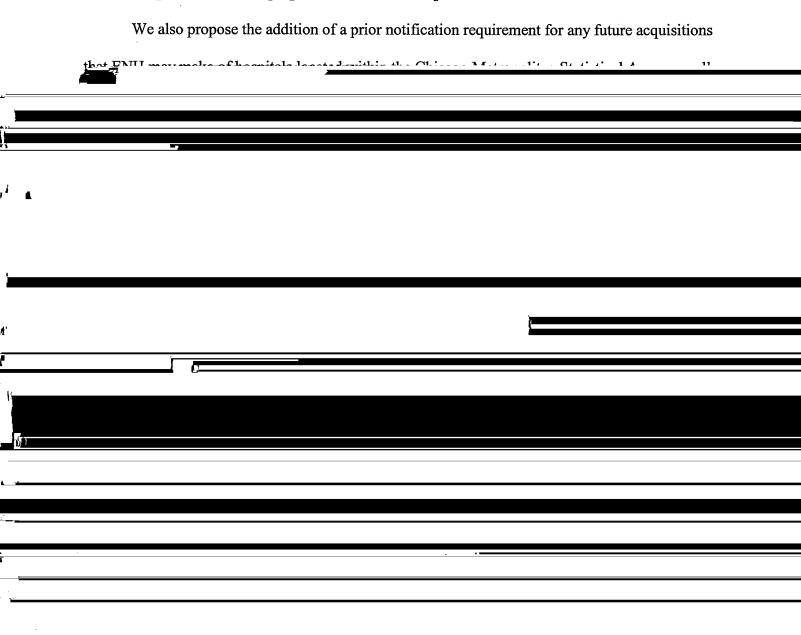
discount off charges or some other method, is among the terms and provisions that can be subject to recogning and reposition. This is consistent with the accounts continued accounts and repositions.

k	
	nationt commisse 9 This shower is intended to
<i>a</i> . <i>a</i> . <i>a</i> .	nationt commisse 9 This shower is intended to



because it is at odds with general Commission practice in connection with FTC orders. As promoted by FMH Paragraph Y provides that with this Order shall be solely and exclusively resolved in accordance with this section. ENTE and the Dover shall first try to nottle the diamete by mediation under the Commercial and/or order enforcement authority to a private entity.¹³ The delegation doctrine is not offended so long as the Commission retains ultimate authority and control over the decision whether or not a respondent is in compliance with an agency order. Paragraph X contains no clear standards to guide a non-agency third party in its determination whether ENH's conduct complies with the Commission's order, nor does it reserve ultimate control and authority to the Commission over this determination. We therefore propose that it be deleted from any final order.

B. Proposed New Paragraph - Prior Notice Requirement



CONCLUSION SERVICE TO A PART OF

_,	Complaint Council horn not have ablasta anote with the idial office and the first about the
_	
_	
_	
=	
_	
	5-
_	
	
	relief achievable through divertiture. We have however and families TNUT
	relief achievable through divestiture. We have, however, conformed ENH's proposal to the
	Commission's standard language and approach when issuing final orders.
	We accent the Commission's decision to forego divestiture so that RNH can continue to
=	
-	
Ξ	
_	
	<u></u>
=	
=	
=======================================	
=	
= L	

ATTACHMENT

ATTACHMENT

Complaint Counsel's proposed changes and additions to ENH's proposed order:

PARAGRAPH I.

Under Paragraph I., add the following definitions and make such conforming changes as are necessary throughout the order:

	"	Also Todanal Turdo C.	: :			
<u>,</u> 5)						
· ·						
	<i>*</i> .					
	A== .					
	"Hospital" means any	human medical care	facility licensed a	s a hospital in the	state in	
Ļ						
·	, <u>-</u> -					
ξ.				- 1	Take of Maria Constitution of the Constitution	
-		k,				
<u> </u>						
_						
■ -						
	-					
					-	

	nuthaniand nonnantativa to arrange	and sion Managed Come	Sandra ata manada da	
1			-	
			<u></u>	
i r	,			
1				
_				
f				
<u>. </u>				
<i>37</i> .	/		-	
• •= , •	ENH Negotiating Team.			
	ENTINEGOLIALING TEAM.			
i	In Danagranh I II. dalata EATU's a	ation 1 . C	/- <u>k</u> 1 1	
_ -				
			r	
	17-			
}	· (1)			
}				
<u>.</u> 1				

PARAGRAPH III.B. AND III.C.

In Paragraph III.B. and III.C., add the language bracketed in BOLD and delete the language that is struck out:

	When Payors request separate negotiations for Inpatient [Hospital] Services at Highland
	t'
· ·	
	Evanston and only outpatient services at Highland Park.
C.	At the request of any specific Payor, the ENH Negotiating Team shall be permitted to
	At the request of any specific Payor, the ENH Negotiating Team shall be permitted to
	At the request of any specific Payor, the ENH Negotiating Team shall be permitted to
	At the request of any specific Payor, the ENH Negotiating Team shall be permitted to
С.	At the request of any specific Payor, the ENH Negotiating Team shall be permitted to
	At the request of any specific Payor, the ENH Negotiating Team shall be permitted to
	At the request of any specific Payor, the ENH Negotiating Team shall be permitted to
	At the request of any specific Payor, the ENH Negotiating Team shall be permitted to

PARAGRAPH VI.D.

In Paragraph VI.D., add the language bracketed in BOLD:

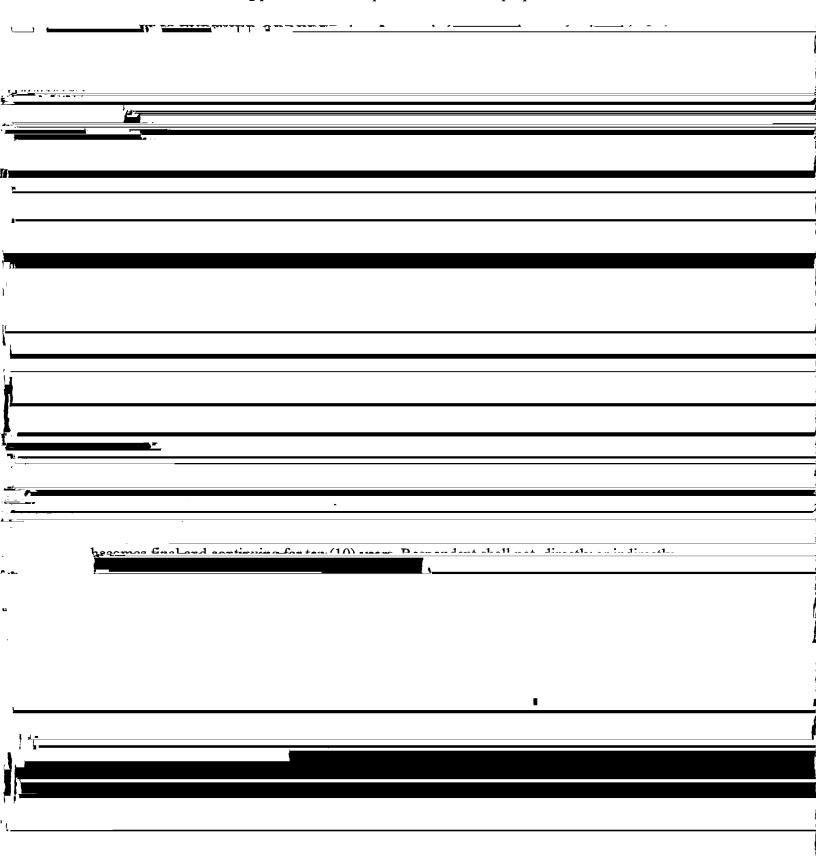
D. Nothing in this Order shall prevent the ENH Negotiating Team from requesting, receiving,	
<u> </u>	
	_
• • • • • • • • • • • • • • • • • • •	
	<u> </u>
1	_
· · · · · · · · · · · · · · · · · · ·	
	_

Respondent as of the date this Order becomes final, submit a verified written report to the Commission setting forth in detail the manner and form in which it has complied and is complying with the Order;

C.	from time to time, the following:				
	(i)a full decomination a	of the offente being made	A	L	
1					
			ц		
	<i>f</i>				
	, <u>-</u>				
		- J <u>U · </u>	1		
•					

PRIOR NOTIFICATION PROVISION

Add the following prior notification provision to ENH's proposed order:



CERTIFICATE OF SERVICE PORT PROPERTY OF THE PR

Office of the Secretary

Room H-159 600 Pennsylvania Avenue, N.W. Washington, D.C. 20580

Michael L. Sibarium, Esq. Charles B. Klein, Esq. WINSTON & STRAWN, LLP 1700 K Street, NW Washington, DC 20006-3817