

UNITED STATES OF AMERICA

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stating its charges in that respect, and having accepted the executed Consent Agreement and placed such Consent Agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, now in further conformity with the procedure described in Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission hereby issues its Complaint, makes the following jurisdictional findings, and issues the following Order:

1. Respondent CCA is a not-for-profit corporation, organized, existing, and doing business under and by virtue of the laws of the State of Connecticut, with its office and principal place of business located at 2257 Silas Deane Highway, Rocky Hill, Connecticut 06067.
2. Respondent CCC is a not-for-profit corporation, organized, existing, and doing business under and by virtue of the laws of the State of Connecticut, with its office and principal place of business located at 8 Tyler Avenue, Branford, Connecticut 06405.
3. Respondent Robert L. Hirtle, Esq., an individual, and a member of the Connecticut bar, was CCA's legal counsel at all times relevant to the facts alleged in the Complaint. His principal address is 185 Asylum Street, Hartford, Connecticut 06103.
4. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the Respondents, and the proceeding is in the public interest.

ORDER

I.

IT IS ORDERED that, as used in this order the following definitions shall apply:

- A. "Respondent CCA" means the Connecticut Chiropractic Association, its officers, directors, employees, agents, attorneys, representatives, successors, and assigns; and the subsidiaries, divisions, groups, and affiliates controlled by it, and the respective officers, directors, employees, agents, attorneys, representatives, successors, and assigns of each.
- B. "Respondent CCC" means the Connecticut Chiropractic Council, its officers, directors, employees, agents, attorneys, representatives, successors, and assigns; and the subsidiaries, divisions, groups, and affiliates controlled by it, and the respective officers, directors, employees, agents, attorneys, representatives, successors, and assigns of each.
- C. "Respondent Hirtle" means Robert L. Hirtle, Esq.
- D. "Respondent Corporations" means Respondent CCA and Respondent CCC, each of which is a "Respondent Corporation."
- E. "Respondents" means Respondent CCA, Respondent CCC, and Respondent Hirtle.

F. “Chiropractic group practice” means a bona fide, integrated firm in which

- a. the provision of chiropractic services at a capitated rate,
 - b. the provision of chiropractic services for a predetermined percentage of premium or revenue from payors,
 - c. the use of significant financial incentives (*e. .*, substantial withholds) for chiropractors who participate to achieve, as a group, specified cost-containment goals, or
 - d. the provision of a complex or extended course of treatment that requires the substantial coordination of care by chiropractors in different specialties offering a complementary mix of services, for a fixed, predetermined price, when the costs of that course of treatment for any individual patient can vary greatly due to the individual patient's condition, the choice, complexity, or length of treatment, or other factors; and
2. any agreement concerning price or other terms or conditions of dealing

- C. Exchanging or facilitating in any manner the exchange or transfer of information among chiropractors concerning any chiropractor's willingness to deal with a payor, or the terms or conditions, including price terms, on which the chiropractor is willing to deal with a payor;
- D. Continuing a formal or informal meeting of chiropractors after any person makes any statement concerning one or more chiropractors' intentions or decisions, that if agreed to would violate Paragraphs II.A through II.C above, unless Respondents immediately eject such person from the meeting;
- E. Attempting to engage in any action prohibited by Paragraphs II.A through II.D above; and
- F. Encouraging, suggesting, advising, pressuring, inducing, or attempting to induce any person to engage in any action that would be prohibited by Paragraphs II.A through II.E above.

PROVIDED, HOWEVER, that nothing in this Paragraph II. shall prohibit any agreement or conduct involving Respondent Hirtle: (a) that is reasonably necessary to form, participate in, or take any action in furtherance of, a qualified risk-sharing joint arrangement or a qualified clinically-integrated joint arrangement; or (b) where such agreement or conduct solely involves chiropractors in the same chiropractic group practice.

III.

~~IT IS FURTHER ORDERED that any chiropractor who is a party to this order shall not, directly or indirectly, or through any agent, employee, or representative, engage in any of the prohibited activities set forth in Paragraphs II.C, II.D, II.E, II.F, III, or IV of this order.~~

IV.

IT IS FURTHER ORDERED

communication distributed to any chiropractor relating to any subject matter

V.

IT IS FURTHER ORDERED that each Respondent Corporation shall:

- A. Within thirty (30) days after the date on which this Order becomes final:
 - 1. send by first-class mail with delivery confirmation or electronic mail with return confirmation, a copy of this Order and the Complaint to:
 - a. every chiropractor who is or has been a member of Respondent Corporation at any time since January 1, 2005;
 - b. each current officer, director, manager, and employee of Respondent Corporation;
 - 2. send by first-class mail, return receipt requested, a copy of this Order and the Complaint to the chief executive officer of each payor set forth in Appendix A of this Order;
- B. For five (5) years from the date this Order becomes final:
 - 1. distribute by first-class mail, return receipt requested, a copy of this Order and the Complaint to:
 - a. each chiropractor who becomes a member of Respondent Corporation, and who did not previously receive a copy of this Order and the Complaint from such Respondent Corporation, within thirty (30) days of the time such membership begins;
 - b. each person who becomes an officer, director, manager, or employee of Respondent Corporation, and who did not previously receive a copy of this Order and the Complaint from such Respondent Corporation, within thirty (30) days of the time that he or she assumes such position with such Respondent Corporation; and
 - 2. publish on the official website of Respondent Corporation, and, if Respondent Corporation sends an annual report or newsletter to all chiropractors who are members of Respondent Corporation, publish annually in such report or newsletter, a copy of this Order and the Complaint with such prominence as is given to regularly featured information.
- C. Notify the Commission at least thirty (30) days prior to any proposed:
 - 1. dissolution of Respondent Corporation;
 - 2. acquisition, merger or consolidation of Respondent Corporation; or

3. other change in Respondent Corporation that may affect compliance obligations arising out of this Order, including but not limited to,

B. Upon five (5) days' notice:

1. each Respondent Corporation shall, in the presence of counsel and without restraint or interference, permit any duly authorized representative of the Commission to interview its officers, directors, or employees;
2. Respondent Hirtle shall, in the presence of counsel and without restraint or interference, permit any duly authorized representative of the Commission to interview him.

IX.

IT IS FURTHER ORDERED that this Order shall terminate on April 14, 2028.

By the Commission.

Donald S. Clark
Secretary

SEAL
ISSUED: April 14, 2008