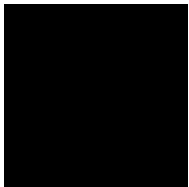


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580



Office of the Secretary

**VIA E MAIL**

April 5, 2010

Mr. Tim Gorski  
State of Texas

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

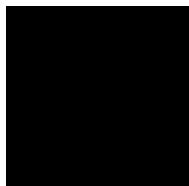
Dear Mr. Gorski,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Your comment questions whether an IPA that refuses to use a Medicare-based fee schedule and demands a cost of living adjustment is unlawfully fixing price. Long-standing antitrust laws generally prohibit independent physicians in competing practices from simply collectively negotiating prices. An IPA violates the antitrust laws when it negotiates fees on behalf of its physic



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Office of the Secretary

**VIA E MAIL**

April 5, 2010

Mr. Karl Kerchief  
State of Michigan

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

Dear Mr. Kerchief,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Your comment states a concern that, under the proposed order, the refusal to accept Medicare by a group of physicians is unlawful. Long-standing antitrust laws generally prohibit independent physicians in competing practices from simply collectively negotiating prices. An IPA violates the antitrust laws when it negotiates fees on behalf of its physician members. Based on its investigation, the Commission has reason to believe that the Roaring Fork I. P.A. committed that violation, and that its violation increased health care costs. The proposed order prohibits joint negotiations of rates by doctors, which is illegal under the antitrust laws; it does not prohibit any conduct that is legal under the antitrust laws. The order does not require any individual doctor to accept a specific rate, a fee tied to Medicare reimbursement rates, or a rate that does not include a cost-of-living-increase.

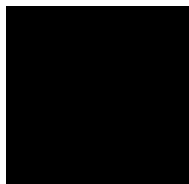
After considering your comment, the Commission has determined that the public interest would be served by issuing the Decision and Order in final form. We appreciate your interest in this matter. A copy of the final Decision and Order is attached for your information.

By direction of the Commission, Commissioner Ramirez not participating.

Donald S. Clark  
Secretary

Enclosure

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580



Office of the Secretary

**VIA E MAIL**

April 5, 2010

Mr. Steven O'Brien  
State of Colorado

Re: *In t h e M a t t e r o f R o a r i n g F o r k P h y s i c i a n s I . P . A . l e N o . 0 6 1 0 1 7 2*

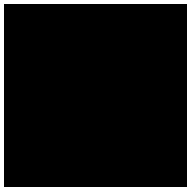
Dear Mr. O'Brien,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

Long-standing antitrust laws generally prohibit independent physicians in competing practices from simply collectively negotiating prices. ~~Based on its simple application of the rule, the Commission has concluded that the proposed consent order is not anticompetitive.~~



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**VIA E MAIL**

April 5, 2010

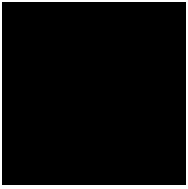
Samuel L. Sharmat, M.D., P.C.  
State of New York

Re: *In the Matter of Roaring Fork Valley Physicians I.P.A., File No. 061 0172*

Dear Dr. Sharmat,

Thank you for your comment regarding the proposed consent order in the above-captioned matter. The Commission has placed your comment on the public record.

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Office of the Secretary

**VIA E MAIL**

April 5, 2010

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Office of the Secretary

**VIA E MAIL**

April 5, 2010

Ms. Karen Snell  
State of New York

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