

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman
Edith Ramirez
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright

In the Matter of)	
)	
)	
PRAXEDES E. ALVAREZ SANTIAGO, M.D.,)	
an individual;)	
DANIEL PÉREZ BRISEBOIS, M.D.,)	
an individual;)	
JORGE E. GRILLASCA PALOU, M.D.,)	
an individual;)	
RAFAEL GARCIA NIEVES, M.D.,)	C-
an individual;)	
FRANCIS M. VÁZQUEZ ROURA, M.D.,)	
an individual;)	
ANGEL B. RIVERA SANTOS, M.D.,)	
an individual;)	
COSME D. SANTOS TORRES, M.D.)	
an individual;)	
and)	
JUAN L. VILARÓ CHARDÓN, M.D.,)	
an individual.)	

DECISION AND ORDER

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of Praxedes E. Alvarez Santiago, M.D., Daniel Pérez Brisebois, M.D., Jorge Grillasca Palou, M.D., Rafael Garcia Nieves, M.D., Francis M. Vázquez Roura, M.D., Angel B. Rivera Santos, M.D., Cosme D. Santos Torres, M.D., and Juan L. Vilaró Chardón, M.D., hereinafter referred to as “Respondents,” and Respondents having been furnished thereafter with a copy of the draft Complaint that counsel for the Commission proposed to present to the Commission for its consideration and which, if issued -252 -0/1 0 0 -A0.,fqe2en indo12ommRe4(

Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that Respondents have violated said Act, and that a Complaint should issue 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 Praxedes E. Alvarez Santiago, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 2916 Avenue Emilio Fagot, Suite 1, Ponce, PR 00716-3611.
2. Respondent Daniel Pérez Brisebois, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 3011 Avenue Emilio Fagot, Ponce, PR 00716.
3. Respondent Jorge Grillasca Palou, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 302 Torre San Cristobal, Coto Laurel, PR 00780.
4. Respondent Rafael Garcia Nieves, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 909 Avenue Tito Castro, Torre Medica San Lucas, Suite 723, Ponce, PR 00716.
5. Respondent Francis M. Vázquez Roura, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 1203 Avenue Muñoz Rivero, Ponce, PR 00717-0634.
6. Respondent Angel B. Rivera Santos, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of Caribbean Medical Centre, Suite 202-2275, Ponce By-Pass, Ponce, PR 00731.
7. Respondent Cosme D. Santos Torres, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 3011 Avenue Emilio Fagot, Ponce, PR 00716.
8. Respondent Juan L. Vilaró Chardón, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of Edificio Parra, Oficina 302, Ponce, PR 00731.
9. The Federal Trade Commission has jurisdiction over 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. “Respondents” means the following individuals (both individually and collectively): Praxedes E. Alvarez Santiago, M.D.; Daniel Pérez Brisebois, M.D.; Jorge Grillasca Palou, M.D.; Rafael Garcia Nieves, M.D.; Francis M. Vázquez Roura, M.D.; Angel B. Rivera Santos, M.D.; Cosme D. Santos Torres, M.D.; and Juan L. Vilaró Chardón, M.D.
- B. “Commission” means the Federal Trade Commission.
- C. “Government Entity” means any Federal, state, local or non-U.S. government, or any court, legislature, government agency, or government commission, or any judicial or regulatory authority of any government.
- D. “Medical Group Practice” means a bona fide, integrated firm in which Physicians practice medicine together as partners, shareholders, owners, or employees, or in which only one Physician practices medicine.
- E. “Non-exclusive Arrangement” means an arrangement that does not restrict the ability of, or facilitate the refusal of, Physicians who Participate in it to deal with Payers on an individual basis or through any other arrangement.
- F. “Order Date” means the date this Decision and Order is issued by the Commission to become final and effective.
- G. “Participate” in an entity or an arrangement means:
 - 1. to be a partner, shareholder, owner, member, or employee of such entity or arrangement;
or
 - 2. to provide services, agree to provide services, or offer to provide services to a Payor through such entity or arrangement.

This definition applies to all tenses and forms of the word “participate,” including, but not limited to, “participating,” “participated,” and “participation.”

- H. “Payor” means any Person that pays, or arranges for payment, for all or any part of any Physician services for itself or for any other Person. The term “Payor” includes any Person that develops, leases, or sells access to networks of Physicians.
- I. “Person” means any individual, partnership, joint venture, firm, corporation, association, trust, unincorporated organization, or other business or GovernD(O9part of a)Tj42.8400 0.0000 TD(ny)TjEts

- K. "Principal Address" means either: (1) primary business address, if there is a business address, or (2) primary residential address, if there is no business address.
- L. "Qualified Clinically-Integrated Joint Arrangement" means an arrangement to provide Physician services in which:
 - 1. all Physicians who Participate in the arrangement Participate in active and ongoing prog

II.

IT IS FURTHER ORDERED that each Respondent, directly or indirectly, or through any corporate or other device, in connection with the provision of Physician services in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44, cease and desist from:

1. Participating in, organizing, or facilitating any discussion or understanding with or among any Physicians or Medical Group Practices in such Qualified Arrangement relating to price

G. Paragraph III Notification shall not be required prior to Participating in any Qualified Arrangement for which Paragraph III

V.

IT IS FURTHER ORDERED that:

A. Within sixty

VIII.

IT IS FURTHER ORDERED that this Order shall terminate twenty (20) years from the date it is issued.

By the Commission.

Donald S. Clark
Secretary

SEAL

ISSUED: