

**Statement of the Federal Trade Commission  
In the Matter of Cabell Huntington Hospital, Inc., Docket No. 9366  
July 6, 2016**

premiums, 24 J.

In November 2015, the Commission (2015, t). [(m)-2(on)-10(opol)-12(y)20(i)-2(s)-1(l)-2(i)-2(

Proponents of cooperative agreement laws claim that antitrust enforcement undermines the policy goals of the Affordable Care Act to improve quality and lower costs through greater coordination among healthcare providers. This is fundamentally incorrect. The ACA did not repeal the antitrust laws, and it certainly does not condone mergers that substantially lessen competition.<sup>5</sup> In many cases, healthcare providers can advance the goal of delivering clinically integrated care either on their own or through mergers or other collaborations that raise little or no antitrust concern. Indeed, the Federal Trade Commission and the Antitrust Division of the Department of Justice have issued extensive guidance to providers seeking to collaborate within the bounds of the antitrust laws.<sup>6</sup> In short, antitrust enforcement is consistent with – not an impediment to – the goals of the ACA.

Proponents of hospital mergers often argue, citing the policy goals of the ACA encouraging greater coordination of care,

Cooperative agreements that replace antitrust enforcement with state regulatory regimes often protect likely anticompetitive transactions that impose harms fa