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II. TOPIC INDEX OF HEALTH CARE ANTITRUST ADVISORY OPINIONS BY COMMISSION AND BY STAFF

A. Network Joint Ventures

1. Physician Network Joint Ventures

Greater Rochester Independent Practice Association, Inc. To Christi J. Braun and John J. Miles; September 17, 2007. (Proposal by a physician association to negotiate contracts with payers in connection with its integrated services program) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/greater-rochester-independent-practice-association-inc./gripa.pdf).

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Bay Area Preferred Physicians. To Martin J. Thompson; September 23, 2003. (Proposal by six county medical societies located in the San Francisco Bay area to develop a physician network and establish a messenger arrangement to minimize the costs associated with physicians contracting with health plans and other payers) (https://www.ftc.gov/policy/advisory-opinions/letter-jeffrey-w-brennan-martin-j-thompson-dated-september-23-2003).

MedSouth, Inc. To John J. Miles; February 19, 2002. (Proposal by multispecialty physician network joint venture to implement clinical resource management program and contract with third party payers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-miles-02-19-02). lep.2 (ni)2lep.2 (ni)[tlep.29 (a)6.5 N85 (a)62.5 ((a)6.N (a)6.0.5 [illegible]

physicians with third party payers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-nash-9-28-95).

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payers) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/health-care-management-associates/38.pdf).

D. Provider Participation in Exchanges of Price and Cost Information

Rx-360 International Pharmaceutical Supply Chain Consortium To Joanne Lewers; September 15, 2010 (Proposal regarding the Rx-360 International Pharmaceutical Supply Chain Consortium ("Rx-360") to implement two supplier audit programs, which would permit pharmaceutical manufacturers to: (1) share information about the quality and safety of ingredients purchased from common suppliers; and (2) share the costs of sponsoring quality and safety audits of common suppliers) (https://www.ftc.gov/sites/default/files/documents/advisory_opinions/rx-360-international-pharmaceutical-supply-chain-consortium/100916bloomletter.pdf).

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American Intra-Ocular Implant Society. To Jerald A. Jacobs, Esq.; October 11, 1985. (Development of a standard disclosure protocol for intraocular lens manufacturers who offer inducements to physicians) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/american-intra-ocular-implant-society/23.pdf).

North Carolina Chiropractic Association. To Collin M. Haynie, D.C., Chairman, Ethics Committee; February 29, 1984. (Code of ethics provisions regarding advertising, prior approval of advertising, and fee discounts) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/north-carolina-chiropractic-association/35.pdf).

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3. Potential Barriers to New Entry

Benedictine Health Centers. To Patrick M. Sheller, Esq.; July 10, 1991. (Proposal by hospital to offer free office space to newly recruited physicians) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/benedictine-health-centers/3.pdf).

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4. Parent-Subsidiary Relationships

Community Hospital, Inc. To Darrell O. Fancher; December 22, 1997. (Corporate restructuring of nonprofit hospital corporation) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-fancher-12-22-97).

5. Patent Infringement Settlement Agreements

****Bristol-Myers Squibb Company*** To Richard J. Stark; May 24, 2004. (Proposed settlement of infringement litigation with Teva Pharmaceuticals involving sharing of the exclusivity period for the drug Paraplatin) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/bristol-myers-squibb-company/040525advisoryc4076.pdf).

6. Sales Agreements Between Health Care Providers

The Methodist Hospital System. To Dionne C. Lomax, Esq.; November 30, 2012 (Sale of discounted shortage drugs to Baytown EMS as emergency humanitarian gesture) (https://www.ftc.gov/sites/default/files/documents/advisory_opinions/methodist-hospital-system/121130advopinionltrmethodist.pdf).

I. Robinson-Patman Act

1. Pharmaceutical Pricing Practices

Doylestown Health Physicians. To John B. Reiss, Esq.; September 2, 2021. (Inquiry as to whether Doylestown Health Physicians' proposal to sell discounted pharmaceuticals and medical devices to its affiliated hospital would fall within the scope of the Non-Profit Institutions Act, which exempts from the Robinson-Patman Act "purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.") (https://www.ftc.gov/system/files/documents/advisory_opinions/ftc-staff-advisory-opinion-concerning-discounted-pharmaceuticals-medical-devices-under-non-profit/p213500doylestownadvisoryopinion.pdf).

St. John's Health System. To Michael Merrigan; September 13, 2006. (Provision of pharmaceuticals by St. John's Regional Health Center, a non-profit hospital, to three hospital-owned pharmacy sites, under the Non-Profit Institutions Act) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/st.johns-health-system/060913stjohnsadvisoryopinion.pdf).

Alpena Public Schools. To Kathleen A. Reed; June 16, 2006. (Transfer of pharmaceuticals at cost between a non-profit hospital and a non-profit public school system) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/alpena-public-schools/061606alpena.pdf).

North Mississippi Health Services. To Bruce J. Toppin; August 16, 2005. (Sale of pharmaceuticals at cost by non-profit hospital to patients of non-profit clinic and hospice) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/north-mississippi-health-services/050819northmisshlthadvop.pdf).

Stevens Hospital. To Gordon J. Oakes; April 18, 2005. (Sale of pharmaceuticals by non-profit hospital to patients receiving treatment in clinics that are owned by the hospital) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/stevens-hospital-edmonds-washington/050422npialtrpender.pdf).

Dunlap Memorial Hospital. To Judy Erb; January 6, 2004. (Transfer of pharmaceuticals at cost by non-profit hospital to patients of non-profit free clinic) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/dunlap-memorial-hospital/040106dunlaplet.pdf).

Arkansas Children's Hospital. To Victoria Bennet; March 13, 2003. (Sale of pharmaceuticals by non-profit children's hospital to patients seen in clinics that are operated by the University of Arkansas for Medical Sciences on the hospital's campus) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-bennet-03-13-03).

Valley Baptist Medical Center. To Louise M. Joy; March 13, 2003. (Sale of pharmaceuticals by hospital to contracted workers who provide services at the hospital) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-joy-03-13-03).

Health Access, Inc. To Stephen D. Keiss; March 8, 2002. (Sale of vaccines by non-profit hospital to affiliated wellness center) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-keiss-03-08-02).

Connecticut Hospital Association. To Robert M. Langer; December 20, 2001. (Sale of pharmaceuticals by non-profit hospitals to retired employees) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-langer-12-20-01).

markus-h-meier-assistant-director-bureau-competition-concerning-crouse-health-hospitals/crouse_finaladvisoryopinionletter_10202017_text_version.pdf).

2014 ***Quest Analytics Group***. To James L. S. Cobb, Esq.; March 7, 2014. (Inquiry as to whether certain non-profit educational institutions' purchase of specialty drugs through Quest Analytic Group's proposed group purchasing organization would fall within the Non-Profit Institutions Act, which exempts from the Robinson-Patman Act "purchases of their supplies for their own use by … [certain non-profit institutions, including] hospitals, and charitable institutions not operated for profit.") (https://www.ftc.gov/system/files/documents/advisory_opinions/quest-analytics-group/140310queststaffadvisoryletter.pdf).

2013 ***Norman Physician Hospital Organization***. To Michael E. Joseph, Esq.; February 13, 2013. (Multiprovider network joint venture that seeks to create a "clinically integrated" network and engage in joint contracting with third party payers) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/norman-physician-hospital-organization/130213normanphoadvltr_0.pdf).

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Community CarePartners, Inc. To Vincent D. Childress, Jr.; July 2, 2010. (Inquiry as to whether Community CarePartners' proposal to extend sales of discounted pharmaceutical products to its in-home hospice patients would fall within the Non-Profit Institutions Act, which exempts from the Robinson-Patman Act "purchases of their supplies for their own use by … [certain non-profit institutions, including] hospitals, and charitable institutions not operated for profit.") (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/community-carepartners-inc./100702carepartnersopinion.pdf).

University of Michigan. To Kathleen A. Reed; April 9, 2010. (Inquiry as to whether a prescription drug benefit program proposed by the University would fall within the Non-Profit Institutions Act, which exempts from the Robinson-Patman Act "purchases of their supplies for their own use by … [certain non-profit institutions, including] hospitals, and charitable institutions not operated for profit.") (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/university-michigan/100409univmichiganopinion.pdf).

2009 ***Tristate Health Partners, Inc.*** To Christi J. Braun; April 13, 2009. (Proposal by a physician-hospital organization to clinically integrate its members' provision of health care services, and to contract jointly with health plans and other payers on a fee-for-service basis on behalf of its members to provide services to plan beneficiaries) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/tristate-health-partners-inc./090413tristateaoletter.pdf).

2008 ***Kaiser Foundation Health Plan, Inc.*** To Robert E. Bloch; February 13, 2008. (Provision of discounted pharmaceuticals for use in proposed program to provide health care services to persons covered under health benefits plans offered by self-insured employers under the Non-profit Institutions Act) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/kaiser-foundation-health-plan/080213kaiser.pdf).

2007 ***Greater Rochester Independent Practice Association, Inc.*** To Christi J. Braun and John J. Miles; September 17, 2007. (Proposal by a physician association to negotiate contracts with payers in connection with its integrated services program) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/greater-rochester-independent-practice-association-inc./gripa.pdf).

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integration activities, efficiencies and market power) (https://www.ftc.gov/sites/default/files/documents/advisory-opinions/medsouth-inc./070618medsouth.pdf).

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2005 ***North Mississippi Health Services***. To Bruce J. Toppin; August 16, 2005. (Sale of pharmaceuticals at cost by non-profit hospital to patients of non-profit clinicID 32 BDC 12 0 08 (te7(w)-

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to patients treated at the clinic under the Non-Profit Institutions Act) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-marx-12-18-01).

2000 ***Northeast Pharmacy Service Corporation***. To Paul E. Levenson; July 27, 2000. (Network of independent pharmacies in Massachusetts and Connecticut offering package of medication-related patient care services to physician groups) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-levenson-07-27-00).

1999 ***BJC Health System*** To Gary Senner; November 9, 1999. (Sale of pharmaceuticals by non-profit hospital system to the system's employees, affiliated managed care program enrollees, and home care subsidiary under the Non-Profit Institutions Act) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-senner-11-09-99).

Orange Pharmacy Equitable Network. To John A. Cronin, Pharm D., J.D.; May 19, 1999. (Network of retail pharmacies and pharmacists offering drug product distribution and disease management services) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-cronin-05-19-99).

Wesley Health Care Center, Inc. To David A. Ruffo; April 29, 1999. (Sale of pharmaceuticals by non-profit skilled nursing facility to volunteers working at the facility under the Non-Profit Institutions Act) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-cronin-05-19-99).

1998 ***Associates in Neurology, Inc.*** To Robert C. Norton; August 13, 1998. (IPA network composed of eleven neurologists formed to contract with managed care plans) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-norton-08-13-98).

Phoenix Medical Network, Inc. To William T. Harvey; May 19, 1998. (Physician network of osteopathic services providers formed to contract with third party payers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-harvey-05-19-98).

North Mississippi Health Services To Bruce J. Toppin, Esq.; January 7, 1998. (Sale of pharmaceuticals by non-profit hospital to patients of the hospital's cancer treatment center under the Non-Profit Institutions Act) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-toppin-01-07-98).

1997 ***Alliance of Independent Medical Services, LLC***. (To Timothy C. Cashmore; December 22, 1997. (Network of ambulance and ambulette services providers formed to contract for transportation services with third party payers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-cashmore-12-22-97).

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New Jersey Pharmacists Association To Allen Nichol, Pharm. D.; August 12, 1997. (Pharmacist network offering health education and monitoring services to diabetes and

asthma patients) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-nichol-08-12-97).

First Look, L.L.C. To James L. Wiant; June 19, 1997. (Network of optical firms organized to respond to requests for proposals for employer contracts for optical and vision services) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-wiant-06-19-97).

Yellowstone Physicians, L.L.C. To David V. Meany, Esq.; May 14, 1997. (Multispecialty physician network joint venture formed to contract with third party payers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-meany-05-14-97).

Foundation for the Accreditation of Hematopoietic Cell Therapy. To Paul L Yde; April 17, 1997. (Standard-setting and accreditation program for organizations involved in medical or laboratory practice related to hematopoietic progenitor cell therapy) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-yde-04-13-97).

Henry County Memorial Hospital. To Clifton E. Johnson, Esq.; April 10, 1997. (Sale of pharmaceuticals by non-profit hospital to patients of the hospital's PHO under the Non-Profit Institutions Act) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-johnson-04-10-97).

Ohio Ambulance Network To Shawn M. Lyden, Esq.; January 30, 1997. (Network of ambulance and ambulette services providers formed to contract for transportation services with third party payers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-lyden-01-30-97).

Mobile Health Resources. To John A. Cook, Esq.; January 30, 1997. (Network of ambulance companies formed to contract for transportation services with third party payers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-cook-01-30-97).

1996 ***Southwest Florida Oral Surgery Associates*** To Guy E. Whitesman; December 2, 1996. (Cooperative of oral and maxillofacial surgery practices formed to jointly market services to third party payers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-whitesman-12-2-96).

North Ottawa Community Hospital. To Sheldon Klein, Esq.; October 22, 1996. (Sale of pharmaceuticals by non-profit hospital to unaffiliated, non-profit hospice under the Non-Profit Institutions Act) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-klein-10-22-96).

Business Health Companies, Inc. To Ralph T. Smith, Jr.; October 18, 1996. (Survey of hospital prices by third party consultant (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-smith-10-18-96).

North Mississippi Health Services. To Bruce J. Toppin, Esq.; October 3, 1996. (Sale of pharmaceuticals by non-profit medical center to retired employees under the Non-Profit

Institutions Act) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-toppin-10-03-96).

Valley Baptist Medical Center. To Daniel L. Wellington, Esq.; September 19, 1996. (Sale of pharmaceuticals by non-profit medical center to medical center operated clinic under the Non-Profit Institutions Act) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-wellington-09-19-96 wellington

Hematology/Oncology Care Specialists of Western Pennsylvania, P. C. To Stephen P. Nash, Esq.; September 21, 1995. (Physician network of hematology/oncology services providers formed to negotiate with third-party payers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-nash-09-21-95).

Otolaryngology Specialty Providers of Georgia. To Thomas W. Rhodes, Esq.; August 15, 1995. (Physician network of otolaryngology services providers formed to facilitate individual contracts among network members and third-party payers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-rhodes-08-15-95).

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South East Managed Care Organization/Jackson Medical Cooperative. To George Q. Evans, Esq.; July 5, 1994. (Physician network joint venture between physician directed managed care organization and group of physician providers) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-evans-07-05-94).

ACMG, Inc. To Paul W. McVay, President; July 5, 1994. (Proposed agreement between state medical society and independent health care management and development company to establish society-sponsored state-wide PPO) (https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-mcvay-07-05-94).

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