

FTC's Retrospective Study of Health Care Facility and Physician Group Mergers

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On January 14, 2021, the Federal Trade Commission ("FTC") [announced](#) that it was launching a study to examine the impact of health care facility and physician group mergers. Accordingly, the FTC stated that it had requested information from six health insurance companies. The information requested includes very detailed claims data for hospitals, outpatient facilities, and physicians and mid-level providers. According to the [sample order](#), insurers must provide the requested information no later than April 20, 2021.

The study is part of the FTC's initiative to "revamp its merger [retrospective program](#)." The purpose of this particular initiative is to encourage economists (both inside and outside the FTC) to conduct retrospective studies in order to develop and test analytical tools. Indeed, it was a retrospective study that led the FTC economists to employ the current diversion analysis when evaluating hospital mergers. While this new initiative was started under now-former Chairman Joseph Simons' tenure, it appears to be moving forward with the current Commissioners.

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