

FTC, DOJ, and HHS Announce Interagency Initiatives to Promote Healthcare Competition

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Last week the Federal Trade Commission (FTC) issued a [press release](#) highlighting recent and forthcoming actions by the FTC, Department of Justice (DOJ), and the Department of Health and Human Services (HHS), which they say will further promote competition, thereby lowering costs and increasing the quality of care in the U.S. health care market. In addition to highlighting recent actions by each of the agencies (e.g., the FTC's proposed non-compete rule), the release states that the three agencies are entering into new partnerships to increase interagency cooperation and advance a "whole-of-government" approach to protect health care competition, including:

- A joint Request for Information issued by the three agencies seeking input into how private-equity firms and other corporations' "control of health care" impacts Americans.
- A partnership between the three agencies to share data that will "help identify potentially anticompetitive transactions that might otherwise evade review." This could lead to scrutiny of transactions that are not reportable under the Hart-Scott-Rodino Act.

- The creation and appointment of a new “Counsel for Health Care” at each agency that will lead interagency and policy efforts on health care competition.
- The continuation of a partnership between the DOJ and HHS’s Office of the Inspector General, [memorialized](#) late last year, that aims to increase coordination between the DOJ and HHS OIG to use the antitrust laws and OIG’s exclusion authorities to strengthen enforcement of federal law.

In the release FTC Chair Lina Khan, Assistant Attorney General Jonathan Kanter of the DOJ Antitrust Division, and Secretary Xavier Becerra each affirm their commitment to maintaining competition in health care markets and making health care more affordable and accessible for Americans.

This serves as yet another reminder that health care continues to be a priority for not just antitrust enforcers, but for the federal government writ large, and that companies in the health care industry should expect continued or increased scrutiny from federal enforcement agencies.

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