



Press Release

FTC Seeks to Intervene in COPA-blessed Merger

PAULINA ENCK | APRIL 26, 2023

In December 2022, the state of Louisiana issued a certificate of public advantage (COPA) to permit a \$150 million merger between hospital systems HCA Healthcare and LCMC Health. In a new insight, Competition Economics Analyst Fred Ashton walks through the lawsuits between the hospital systems and the Federal Trade Commission (FTC) and considers whether the acquisition is subject to federal antitrust law under state action immunity.

Key points:

- After informing the two hospital systems of potential federal antitrust law violations, the hospitals respectively filed lawsuits against the FTC and the Department of Justice alleging the antitrust enforcement agencies are illegally interfering with their recently completed merger.
- The FTC countersued, asserting that COPA did not exempt the hospitals from Hart-Scott-Rodino Act premerger notification and mandatory waiting period requirements.
- The lawsuits center around a legal doctrine known as state action, which the hospitals claim immunize the merger from federal antitrust law; a court ruling will further clarify the limits of the FTC's authority in matters of state action.

[Read the analysis](#)