

Press Release



Justice Department Withdraws Health Care Antitrust Enforcement Policy Statements

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Last month, the Department of Justice (DOJ) withdrew three decades-old policy statements that established antitrust safety zones – which provide circumstances under which the antitrust enforcement agencies will not challenge certain activity – in health care markets. In a new insight, Competition Economics Analyst Fred Ashton walks through how the withdrawal of these guidance statements will sow uncertainty among industry participants.

Key points:

- The DOJ claimed the guidance statements no longer reflected a “significantly changed healthcare landscape” and were “overly permissive on certain subjects, such as information sharing.”
- While the DOJ pointed to “recent enforcement actions and competition advocacy” as a replacement, this approach is insufficient as guidance for health care industry participants: The withdrawn guidance informed past precedents, and without it, the health care industry will have to wait for future antitrust action to understand the DOJ’s enforcement policy.
- This uncertainty could result in fewer collaborative efforts that accelerate the adoption of new technologies and lower costs.

[Read the analysis](#)