

Supreme Court Hospital Merger Not Immune Under State Action

Date: 02/25/13

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The U.S. Supreme Court ruled that the state action doctrine did not shield the combination of two Georgia hospitals from FTC scrutiny because the state did not clearly articulate a policy empowering the local hospital authority to undertake mergers that will substantially lessen competition. The U.S. Court of Appeals for the Tenth Circuit declined to review a lower court decision not to dismiss on state action grounds antitrust claims against a private apartment complex that had an exclusive contract with a state university.