

Winston & Strawn Sponsors, Partners Speak at the 2022 American Health Law Annual Meeting

JUNE 27–29, 2022

Winston & Strawn was a proud sponsor of the 2022 American Health Law Annual Meeting in Chicago. The conference provided updates and analysis on a myriad of legal issues facing the health care industry, focusing on the complex intersection of the areas of health law, including legal ethics and professional development. Winston partner Conor Reidy spoke at the conference. Partners Tom Melsheimer and Susannah Torpey co-authored an article on recent antitrust-related developments impacting the healthcare industry that was provided to meeting attendees, including the recent acquittal of former DaVita CEO Kent Thiry in the criminal no-poach trial in Denver. The article can be accessed [here](#).

On June 27 and 28, Conor Reidy spoke on a panel titled, “Partnership Strategies: The Prizes and Pitfalls of Mergers, Joint Ventures, and Flying Solo,” which explored how health care entities are evaluating and selecting a variety of partnership strategies that range from a full asset merger to “going it alone.” The discussion included various perspectives on regulatory and antitrust rules, scrutiny, and enforcement; contractual and clinical relationship benefits and challenges; and the future of health care transactions. Key takeaways include:

- Parties considering a health care transaction have many different structures to choose from, ranging from loose contractual relationships to joint ventures to full acquisitions, each of which entails different antitrust and business benefits and risks that need to be carefully accounted for. The panelists discussed their real-world experience in addressing these considerations.
- Federal and state antitrust enforcers continue to focus on health care transactions. In 2022, the FTC has already challenged three hospital system transactions, all three of which the merging parties abandoned.
- The federal antitrust enforcers are concerned with private equity “roll ups”—i.e., serial acquisitions in a product market—that may not be reportable under the Hart-Scott-Rodino Act but may cumulatively impact competition. Roll ups in health care, such as of outpatient providers, are likely to see increased enforcement.
- Heightened antitrust enforcement in health care increases the importance of obtaining antitrust counseling regarding potential transactions early in the process of considering such transactions.

To learn more about the conference, click [here](#).

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Conor Reidy.