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FTC Wins Again—Acquisition of 60 Physicians in North Dakota Blocked

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Winston & Strawn Chicago office Associate Nasir Hussain wrote an article for the American Health Lawyers Association's *AHLA Weekly*, titled "FTC Wins Again—Acquisition of 60 Physicians in North Dakota Blocked," published on February 16, 2018. Reprinted with permission.

The Federal Trade Commission (FTC) won—again. In what has become an all too familiar pattern, the FTC persuaded a district court judge to block a health care transaction intended to create efficiencies and improve clinical care. The latest FTC win has health systems, doctors, and commentators asking: Is an efficiency defense ever possible in court? Are power buyers real, or just a theory? How many doctors are too many to have market power? The latest decision in the continuing battle over health care consolidation provides some new guidance, but many questions remain to be resolved by the next inevitable battle between providers seeking to create new models of care and the FTC.

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