

MANDATORY

FTC / AG - Antitrust Compliance Training – Re: ASH*

SPONSORED BY

CONNECTICUT CHIROPRACTIC COUNCIL

PRESENTED BY

Attorney Richard Hernandez
Of the Law firm of McCarter & English

As a stipulation of the Judgment and Order made by the FTC (Federal Trade Commission) and the AG (Attorney General of the State of Connecticut) the CCC and CCA must establish and maintain an antitrust training and education program which will cover compliance with federal and state antitrust laws. This program will be made available to all DCs in the state of CT.

The judgment also stipulates that anyone (CCA, CCC, Members and Non Members) who have had any responsibility with respect to the subject matter of the Judgment (Anti-competitive activity against American Specialty Health ASH) be held to the terms of this agreement.*

The CCC must provide both the FTC and the AG with a list of all DCs who comply with the terms of the Judgment and Order 1) payment of your share of the civil penalty and 2) participation in this teleconference.

The Board of Directors has worked hard with Legal Counsel to prevent doctors from being fined individually and has negotiated the lowest possible fine with the Attorney Generals Office to avoid personal liability. If however, you choose not to satisfy your obligation or pay your portion of the fine your name will be listed and you may be personally responsible.

Please do not lose sight of the fact that even though we were engaged in free and open discussions we were found to be in violation of the Sherman Anti Trust laws; but your BC/BS patients still continue to have fair access to your chiropractic care.

Antitrust Compliance Training Topics

CCC Antitrust Policy	Types of Bid Rigging Schemes	Other Permissible Trade Association
CCC Statement	Vertical Restraints	Conduct
Federal and State Antitrust Laws	Vertical Agreements that Might Give	Requirements of Stipulated
Aggressive Federal Enforcement	Rise to Liability	Judgment as per the CT AGs Office
Prison Sentences in 2007	Vertical Agreements that Usually	Maintain a copy of each document
Aggressive State Enforcement	Do Not Pose Problems	distributed
Dealing with Competitors	Tying Agreements	What is my role in antitrust
Agreement	Monopolization	enforcement?
Agreement or Concerted Practice	Participation in Trade Associations	How do I report a violation?
Price Fixing	Activities to Avoid	Hypothetical #1
Price Signaling	Permissible Activities	Hypothetical #1 Analysis
Customer or Territorial Allocations	Information Collection and Exchange	Hypothetical #2
Concerted Refusals to Deal	Lobbying	
Bid Rigging	Standard Setting	

*Regarding the outcome of the antitrust allegations against the DCs of the State of Connecticut regarding the issue of ASH / BC BS . . . Antitrust Training is a Mandatory Requirement to satisfy the terms of the Judgment and Orders. This applies to all DCs who were and will be Licensed Chiropractors practicing in Connecticut from 2005 through 2012.

* Note:

Since your participation and payment of your share of the Civil Penalty and Legal Fees is Mandatory a list of all communications: completion of Antitrust Compliance Training and payment of your share of the Civil Penalty and Legal Fees will be sent to all members, the FTC & the Attorney General.