

Part B Insider (Multispecialty) Coding Alert

FTC Shoots The 'Messenger Model' In NM Antitrust Probe

Another independent practice association reached a consent order with the **Federal Trade Commission** to settle antitrust charges.

The **San Juan IPA** had represented around 80 percent of the non-hospital-employed physicians in the Farmington, NM area, and purported to use the "messenger model," where an entity carries offers to and from individual physicians and payors. But in fact the IPA was orchestrating joint pricing among physicians, the FTC alleged: the IPA was a party to joint contracts that a joint venture negotiated, and it also collectively negotiated and refused to deal with some payors. Also, the IPA refused to transmit some offers to its physician members.

The consent order doesn't require San Juan IPA to disband, but it does require it to avoid any collective bargaining or facilitating communication among physician members in future. The IPA can enter into "qualified clinically integrated risk-sharing arrangements," however.