



Join a Distinguished Panel for a Discussion of

**ACCOUNTABLE CARE ORGANIZATIONS
AND MARKET POWER ISSUES**

September 23, 2010 · 8:30 – 11:30 AM

Washington Court Hotel · Atrium Ballroom (Mezzanine Level)
525 New Jersey Ave., NW

*A continental breakfast will be served starting at 8:30 AM.
The program begins promptly at 9:00 AM.*

Panelists include

MARK J. BOTTI, *AkinGump*

DR. CORY CAPPS, *Bates White Economic Consulting*

DOUG HASTINGS, *Epstein Becker & Green, P.C.*

BILLY VIGDOR, *Vinson & Elkins LLP*

with **JOE MILLER**, *AHIP as Moderator*

Please RSVP svail@ahip.org by Friday, September 17, 2010.

Accountable Care Organizations hold the potential to be a centerpiece of health care reform—reducing costs and increasing quality through more tightly integrated provider collaboration. The statute provides only the broad outline of the program’s requirements, leaving the HHS Secretary to fill in critical details on how the program will work.

This discussion will explore how competition issues should factor into the Secretary’s analysis and rulemaking. The antitrust agencies have provided useful guidance on clinical integration, through workshops, opinion letters and competition advocacy efforts. Most of that guidance, however, has focused on whether any proposed provider collaboration is sufficiently integrated to avoid summary condemnation under the antitrust laws. This program will take the discussion a step further—what if the provider collaboration is well integrated, but amasses market power in the community? The potential for a “must have” provider network increasing prices instead of reducing costs has the potential to undermine the purpose of the law, and perhaps even threaten reform efforts more broadly.

Listen in on an engaging discussion from a panel of the country’s experts on competition issues and provider networks.

About the Panelists—see page two ▶



MARK J. BOTTI, *AkinGump*

Mark J. Botti is co-chair of AkinGump's firmwide antitrust group. He advises healthcare and other clients on the full spectrum of antitrust matters, including government investigations, mergers and acquisitions, joint ventures. Before joining Akin Gump in 2007, Mr. Botti served for 13 years at the Department of Justice in a various litigation and leadership positions within the Antitrust Division, including as chief of the Litigation I Section, where he supervised matters relating to the health care industry. He was the career Division official who directly oversaw the extensive hearings held by the Division and the Federal Trade Commission on health care during the years 2004-2005, as well as the drafting of the agencies' joint seminal report, *Improving Health Care: A Dose of Competition*. Since joining Akin Gump, Mr. Botti has also been recognized as one of *Nightingale's* Outstanding Healthcare Antitrust Lawyers in 2008 and 2009. Active in the American Bar Association, Mr. Botti is a vice chair of the Joint Conduct Committee, a member of its special task force on Health Care Reform and Pharmaceutical Reverse Payments, and is a co-editor of the health care portions of the Association's *Antitrust Law Developments VI (2007)*.

DR. CORY CAPPS, *Bates White Economic Consulting*

Dr Cory Capps has more than 10 years of experience as an economist specializing in industrial organization, empirical methods, and antitrust, with a focus on the healthcare industry. Currently a Partner at Bates White Economic Consulting in Washington DC, he has advised both private firms and government agencies on issues relating to market power and competition in the healthcare industry. Dr. Capps has experience analyzing joint ventures, group purchasing organizations, price-fixing and market allocation, and alleged exclusionary conduct. In addition to his broad healthcare experience, he has conducted economic analysis for investigations and cases involving a variety of industries and has provided economic consulting services to corporations on business and strategy issues.

Prior to joining Bates White, Dr Capps was a Staff Economist at the Antitrust Division of the Department of Justice where he concentrated on the analysis of competition in healthcare markets, including merger and civil non-merger investigations of both insurers and providers. Dr Capps' academic career includes professorships at the University of Illinois at Urbana-Champaign and at Northwestern University's Kellogg School of Management. He has published widely in journals including *RAND Journal of Economics*, *Journal of Economics and Management*

Strategy, *Journal of Health Economics*, *Antitrust Bulletin*, and *Health Affairs*. Dr. Capps is currently also a lecturer in the Health Industry Management Program at Northwestern University's Kellogg School of Management and a member of an advisory panel providing expertise on healthcare competition and policy issues to the National Health Service in the United Kingdom.

DOUG HASTINGS, *Epstein Becker & Green, P.C.*

Douglas A. Hastings currently serves as Chair of the Board of Directors of Epstein Becker & Green, P.C. He is a Member of the Firm's Health Care and Life Sciences Practice in the Washington, D.C. office. Mr. Hastings provides a wide range of health care organizations with strategic and transactional legal guidance in responding to the legal challenges and opportunities of the rapidly changing U.S. health care system. He has become nationally recognized as one of the leading resources on both accountable care organizations and payment and delivery system reform. Mr. Hastings is a member of the Board on Health Care Services of the Institute of Medicine. He is also a member of the Advisory Board of the *BNA's Health Law Reporter*, for which he has written a widely-read series of articles on accountable care organizations, bundled payments and related issues in health care reform. Mr. Hastings was recently presented with the David J. Greenburg Service Award from the American Health Lawyers Association; was named "Washington, DC Health Care Lawyer of the Year" for 2010 by Best Lawyer; named by *Nightingale's Healthcare News* as one of the 10 significant healthcare industry decision-makers in 2010; and is listed in *Chambers USA Leading Lawyers for Business* in Band 1 for healthcare transactions nationally. He is a graduate of Duke University and University of the Virginia Law School.

BILLY VIGDOR, *Vinson & Elkins LLP*

Billy Vigdor is an antitrust partner in the Washington DC office of Vinson & Elkins. Billy has been representing clients before the Federal Trade Commission, Antitrust Division and Attorneys General of the States. He has been involved in cutting edge antitrust issues in healthcare for almost 20 years, including reverse payment settlements, hospital joint ventures and mergers, exclusive dealing, state action immunity, capacity to conspire, monopolization, credentialing, clinical integration and others. Prior to joining Vinson & Elkins in 2003, Billy spent six years at the FTC, three of which as a Deputy Assistant Director. Billy has been recognized as a "Leader in his Field" by Chambers. Billy has a JD from The George Washington University and a Ph.D. in Economics from the University of Iowa.