



New Mexico Oncology Hematology Consultants v. Presbyterian Health Services, 994 F.3d 1166 (10th Cir. 2021)

Topics Covered: Antitrust

Outcome: Unfavorable

Issue

The issue in this case was whether the defendants, four health care entities under common control, monopolized or attempted to monopolize cancer treatment in Albuquerque, NM.

AMA Interest

The AMA believes that physicians should seek changes in those requirements which are contrary to the best interests of patients. No AMA member should feel compelled to sign a contract that harms the physician's ability to provide compassionate and quality care.

Case Summary

New Mexico Oncology Hematology Consultants (NMOHC) is a physician-run practice group in New Mexico. The defendants are controlled as a single enterprise. They include Presbyterian Healthcare Services (PHS), the dominant hospital in Albuquerque, Presbyterian Health Plan (PHP), the dominant private health insurer, and a physician group that employs approximately 800 physicians.

In 2012, NMOHC filed suit in the United States District Court for the District of New Mexico, alleging that Defendants engaged in both attempted and actual monopolization of the market for cancer treatment in Albuquerque, in violation of Section 2 of the Sherman Act. The district court entered summary judgment for the Defendants, and NMOHC appealed to the United States Court of Appeals for the Tenth Circuit.

On April 5, 2021, the Tenth Circuit Court of Appeals issued its decision, affirming the district court's grant of summary judgment. The decision was adverse to the position supported by the Litigation Center.

Litigation Center Involvement

The Litigation Center filed an *amicus* brief in the Tenth Circuit to support NMOHC and urge reversal of the summary judgment.

Tenth Circuit Court of Appeals Brief