

North Carolina Class Action Sues HCA/Mission Health for Anticompetitive Contracting Practices

Breaking: A class action lawsuit has been filed in North Carolina state court against HCA Healthcare and Mission Health, alleging anticompetitive practices in violation of the North Carolina Constitution and antitrust and consumer protection laws.

The lawsuit follows HCA's 2019 acquisition of Mission Health in North Carolina, which was approved with conditions by the North Carolina AG, although none of which were competitive impact conditions. Plaintiffs, who are North Carolina patients, claim that Tennessee-based HCA used market power garnered from the cross-market merger to demand anticompetitive terms in contracts with insurers, including tying, all-or-nothing, anti-steering, and gag clauses, driving up prices and insurance premiums. Notably, Plaintiffs point out in the complaint that even prior to the merger, Mission Health was shielded by a state-administered certificate of public advantage (COPA) and used similar anticompetitive tactics. The COPA ended in 2016 and the further consolidation with HCA has now culminated in making Mission Health the most expensive hospital system in North Carolina for many procedures.

Perhaps prompted and emboldened by President Biden's new [executive order](#) on July 9, the private lawsuit specifically cites to language in the order calling attention to "inadequate or more expensive healthcare options" due to hospital consolidation and asserts that "HCA/Mission perfectly encapsulates this troubling trend and the harms consolidation

inflicts on the population a hospital purports to serve.” Plaintiffs seek damages and an injunction to prevent future anticompetitive activity.

Read the complaint [here](#).