

New Legal Resource Available: State and Federal Antitrust Enforcement Cases in Healthcare Consolidation

As part of The Source's ongoing collaborative research series to present evidence-based analyses on strategies to address consolidating healthcare markets, we are excited to unveil a new legal resource table detailing major cases in federal and state antitrust enforcement of healthcare provider and insurer consolidation. This interactive table, now available on the [Market Consolidation](#) interactive key issue page, provides a short case summary of each case, and allows searching and sorting by keyword and criteria including year, jurisdiction, enforcement agency, and outcome of the cases.

Enforcement Cases

State and federal enforcement actions of provider and insurer consolidation: Click title to sort by column or search by criteria using keyword.

Search								
Entities	Year (Ending)	Enforcement Jurisdiction	Enforcement Type	State Agency	Federal Agency	Entity Type	Outcome	Case Summary
CVS; Aetna	2019	California; Connecticut; Florida; Georgia; Hawaii; Mississippi; New York; Washington	State and Federal	5 state attorneys general: California AG; Florida AG; Hawaii AG; Mississippi AG; Washington AG 28 state insurance agencies: California Department of Managed Health Care; Connecticut Insurance Department; Georgia Office of Insurance; New York Department of Financial Services; Washington Insurance Agency	DOJ	Pharmacy Benefit Manager; Pharmacy; Insurer	Condition Imposed	The Department of Justice and attorneys general from California, Florida, Hawaii, Mississippi, and Washington believed the merger would be anticompetitive in 16 Medicare Part D markets across the country. To alleviate that concern, DOJ reached a settlement with CVS and Aetna that required Aetna divest all of its Medicare Part D business before proceeding with the deal. Aetna sold the business to a WellCare subsidiary. In November 2018, CVS-Aetna received all regulatory approval to merge, contingent upon Aetna's divestiture of its Medicare Part D business and other conditions imposed by individual states. However, Judge Richard Leon of the U.S. District Court for the District of Columbia halted the merger, refusing to give his approval as part of the routine judicial review process. After an evidentiary hearing, the court was not persuaded by opponents to the acquisition and permitted the agreement to go through on September 4, 2019. California, Georgia, Connecticut, New York, and Washington regulators all separately imposed conditions on the transaction as well.
Partners Healthcare; Harvard Pilgrim Health Care	2019	Massachusetts	State Only	Massachusetts Governor; Attorney General	N/A	Insurer	Abandoned	In November 2018, Partners and Harvard Pilgrim Health Care tabled their merger discussions, as the possible deal faced skepticism from Massachusetts Governor Charlie Baker—who is a former CEO of Harvard Pilgrim—and Attorney General Maura Healey. On January 25, 2018, Partners HealthCare announced that it would move forward with a merger with Rhode

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With support from [Arnold Ventures](#) and in partnership with UC Berkeley's [Nicholas C. Petris Center on Health Care Markets and Consumer Welfare](#), this project leverages the latest and most comprehensive data on state laws, healthcare markets, and healthcare prices in provider and insurer markets in the United States in the last ten years and presents legal and economic analyses concerning rapidly consolidating healthcare markets in all 50 states through a series of user-friendly interactive features.

Stay tuned as we continue to publish additional features and analyses in multiple phases throughout the next few months.