

United States Senate

WASHINGTON, DC 20510

December 23, 2009

The Honorable Christine Varney
Assistant Attorney General
Antitrust Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

The Honorable Jon Leibowitz, Chairman
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Dear Assistant Attorney General Varney and Chairman Leibowitz:

We write to acknowledge and encourage what we hope are renewed efforts by your agencies toward developing and issuing comprehensive guidance to physicians, hospitals, and others in the health care provider community seeking to pursue collaborative care models and different cooperative arrangements to promote high quality, patient-centered care. As Congress approaches what we anticipate to be a successful conclusion in our push to reform the nation's health care system, innovative and new approaches to health care through collaboration will be one of the keys to truly transforming our delivery system.

Even in the absence of statutory guidelines or direction outlined in pending health reform legislation, physician, hospital, and other provider communities across the country are eager to develop or build upon current efforts to promote care coordination and improve patient outcomes via means such as service payment arrangements and other forms of clinical integration. However, many are hesitant to act due to the lack of comprehensive, broadly-applicable, and user-friendly guidance they can readily understand and utilize related to anti-trust safe harbors and other regulatory matters in your agencies' purview.

We recognize past and ongoing efforts by the U.S. Department of Justice (DOJ) and Federal Trade Commission (FTC) to work with relevant stakeholders in issuing joint-guidance in response to fundamental changes in the field of health care. Specifically, we are encouraged by the recent commitment made by the DOJ to Senator Patrick Leahy and others in a letter dated December 10, 2009, to launch a comprehensive guidance review process in February 2010. We also note FTC Chairman Leibowitz' recent letter to Senator Herb Kohl dated November 18, 2009, in which he expresses willingness to re-engage stakeholders in light of this historic period of change.

As new ways of thinking and care delivery models develop, we also appreciate the need to monitor and challenge those cases which have the potential to encourage undue market power or price setting. Furthermore, we welcome your diligence in challenging harmful concentration in the health care marketplace as it continues to evolve and modernize.

We appreciate the time and effort necessary to develop guidance on these matters, yet we also know the urgency with which many, ourselves included, feel that true delivery system reform

needs to move forward. Clear and accessible guidelines on forming collaborative care models are critical to help spur streamlined, quality, low-cost care.

Thank you for your attention to this matter, which is of great interest to us and the people we serve. We look forward to your response.

Sincerely,



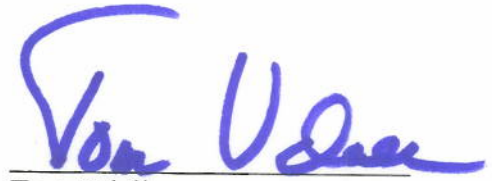
Mark Udall



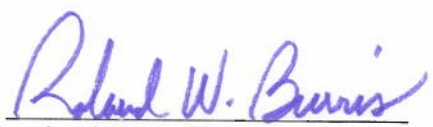
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Michael F. Bennet



Tom Udall



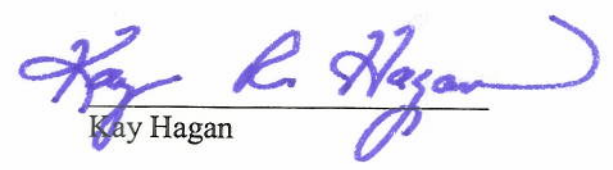
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