



International Healthcare Management v. Hawaii Coalition for Health

332 F.3d 600 (9th Cir. 2003)

Topics Covered: Medical Society Advocacy, Antitrust

Outcome: Very Favorable

Issue

The issue in this case was whether advocacy efforts by the Hawaii Medical Association and other organizations constituted an antitrust violation.

AMA Interest

The AMA supports vigorous advocacy efforts by medical associations and others directed at improving access to healthcare, the physician-patient relationship and fair compensation to physicians.

Case Summary

The Hawaii Medical Association (“HMA”) and one of its former presidents, along with two other organizations and various other individuals, were sued under the Sherman Antitrust Act. The plaintiffs alleged that the defendants had organized a physician boycott of two managed care organizations. HMA contended that it was simply advising its members of certain problems with the proposed provider contracts without an agreement among its members to act in concert. HMA maintained that, if the plaintiffs had been able to establish their business in Hawaii, this would have increased competition among purchasers of physicians’ services. Thus, HMA had no reason to participate in a boycott.

The district court entered summary judgment for defendants on all counts. The plaintiffs appealed. On June 6, 2003, the Ninth Circuit affirmed the decision for the defendants.

Litigation Center Involvement

The Litigation Center helped HMA clarify and secure its insurance coverage. The Litigation Center also helped HMA negotiate a fee agreement with its defense attorneys. Moreover, the Litigation Center filed an amicus curiae brief in the Ninth Circuit to support HMA. The brief argued that professional associations, such as HMA, have a legitimate right to share information and opinions on matters of common interest, including economic issues. The brief also argued that sharing information and opinions furthers, rather than harms, competition. Additionally, a

reversal of the summary judgment would seriously undermine the valuable and sociably desirable advocacy function that associations provide for their members.

United States Court of Appeals for the Ninth Circuit brief