



September 18, 2007

**FIRST CLASS MAIL**  
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Mr. Joseph Miller,  
Acting Chief, Litigation I Section  
Antitrust Division  
United States Department of Justice  
1401 H Street, N.W., Suite 4000  
Washington, D.C. 20530

**Re: Comments of the Connecticut Orthopedic Society to the Proposed Final Judgment As To The Federation of Physicians and Dentists and Lynda Odenkirk, Case No. 1:05-cv-431**

Dear Acting Chief Miller:

This letter is in reference to the proposed Final Judgment ("Final Judgment") as to the Federation of Physicians and Dentists (the "Federation") and Lynda Odenkirk" (collectively, the "Federation defendants") in connection with the above-referenced matter.

The Connecticut Orthopedic Society (COS), a membership organization of orthopedic surgeons in Connecticut, requests that the Final Judgment, which is unnecessarily restrictive and more onerous than final decrees typically entered by both the Department of Justice (DOJ) and the Federal Trade Commission (FTC), be amended to allow the Federation and its physician members to engage in generally accepted common and lawful practices.

COS strongly supports the public comment submitted by the Connecticut State Medical Society (CSMS). As detailed below in these Comments, COS affirms its position that the Final Judgment should be amended to:

ξ Permit the Federation to engage in messenger model arrangements on behalf of its members, an arrangement that both the DOJ and FTC officially recognized in the 1996 Department of Justice/Federal Trade Commission Statements of Antitrust Enforcement Policy in Health Care ("1996 Statements").

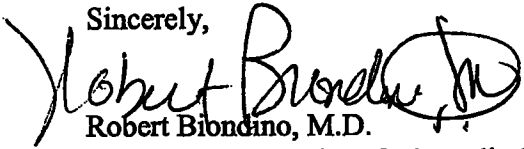
ξ Allow the Federation an opportunity to participate in qualified risk-sharing and clinically-integrated joint arrangements. Typical decrees entered by the DOJ and

FTC have not precluded physician membership organizations from participating in qualified joint arrangements. COS therefore strongly urges the DOJ to modify the terms of the Final Judgment to allow the Federation the ability to participate in these same lawful arrangements on behalf of its physician membership.

- ξ Permit the Federation to train, educate or attempt to train or educate any independent physician in any aspect of contracting or negotiating with any payor. While previous decrees have generally allowed physician membership organizations to communicate at a physician's request, these prohibitions are so far-reaching and restrictive in that they preclude the Federation from engaging in any of the foregoing practices on behalf of its physician members.

For all the foregoing reasons, COS requests that the DOJ modify the Final Judgment to permit the Federation to engage all of the lawful conduct outlined above on behalf of its members. Thank you for your attention to this critical matter.

Sincerely,

  
Robert Biondino, M.D.  
President, Connecticut Orthopedic Society