

AAOS

AMERICAN ACADEMY OF
ORTHOPAEDIC SURGEONS

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ORTHOPAEDIC SURGEONS

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September 11, 2007

Mr. Joseph Miller
Acting Chief, Litigation I Section
Antitrust Division
United States Department of Justice
1401 H Street, NW, Suite 4000
Washington, D.C. 20530

Re: *United States v. Federation of Physicians and Dentists*,
Case No.: 1:05-CV-431, In the United States District Court
for the Southern District of Ohio Western Division

Dear Mr. Miller:

The following are the written comments of the American Association of Orthopaedic Surgeons (AAOS) to the proposed judgment in *United States v. Federation of Physicians and Dentists*. The AAOS is making these comments pursuant to the 60 day comment period provided under 15 U.S.C. § 16(b).

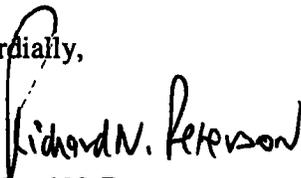
The AAOS is a not-for-profit national medical society, engaged in health policy and advocacy activities on behalf of musculoskeletal patients and the profession of orthopaedic surgery. The 22,000 members of the AAOS are orthopaedic surgeons concerned with the diagnosis, care, and treatment of musculoskeletal disorders. A priority of the AAOS is continuing access to quality, specialty care by all patients.

The AAOS is concerned that *Federation of Physicians and Dentists* is the result of the antitrust laws not being applied equally to the insurance industry as they are to physicians or other professions. This inequality could be because the complexity of insurance industry discourages vigorous enforcement of antitrust laws. If so, this would obviously give the insurance industry an unfair advantage in reducing prices and pushing more physicians out of the practice medicine. This is particularly damaging in critical specialties facing shortages such as obstetrics-gynecology. Uneven application of the antitrust laws, therefore, would reduce competition in the insurance industry and, ultimately, harm consumers.

Specifically, in this case, the physicians appeared to be reacting to anticompetitive behaviors by Cincinnati insurers which artificially lowered prices below Medicare levels.

If you have any questions regarding these comments, please refer them to AAOS Assistant General Counsel Grant L. Nyhammer, 847.384-4050 or nyhammer@aaos.org. Thank you for your attention to this matter.

Cordially,

A handwritten signature in black ink that reads "Richard N. Peterson". The signature is written in a cursive style with a large initial 'R'.

Richard N. Peterson
General Counsel