

Hawaii Independent Physicians Association Antitrust Policy

The mission of the Hawaii Independent Physicians Association (“HIPA”) is physicians helping physicians through education, support, and leadership to better care for the people of Hawai‘i and continue to deliver high quality care for patients and the community while maintaining personal and professional satisfaction. HIPA is not organized to and does not play any role in the competitive decisions of its members or their employees, nor does it restrict in any way competition among members or potential members.

A. Overview

It is HIPA’s policy to comply with all federal, state and local laws, including antitrust laws. This Policy applies to, and its compliance is the responsibility of, HIPA officers, directors, and employees, and members, and HIPA expects all of its officers, directors, employees, and members to adhere to this policy with respect to all activities for HIPA and in support of HIPA’s activities and programs. HIPA officers, directors, employees, and members are expected to be sensitive to issues involving trade associations and to take all measures necessary to comply with applicable antitrust laws. To assist in compliance, this Policy will be distributed to HIPA’s officers, directors, employees, and members. Any questions about this Policy, or concerns about the antitrust implications of a particular course of action should be directed to Greigh Hirata, MD (the Compliance Officer).

B. Risks Associated with Particular Types of Conduct

Federal and Hawai‘i law alike prohibit concerted activities or agreements between competitors in restraint of trade. The leaders and members of HIPA must be aware of the potential for situations that may give rise to antitrust allegations. Violations of the antitrust laws can have serious consequences for HIPA and its members, including enforcement actions by the United States Department of Justice and civil antitrust cases brought by the public. Even unfounded allegations can be a significant drain on HIPA and its members. Because litigation and investigations are a distraction from HIPA’s mission, HIPA seeks to avoid even the appearance of impropriety in all its dealings and activities.

C. Prohibited Conduct

As an organization consisting of physicians who may otherwise be competitors, HIPA’s officers, directors, employees, and members should adhere to the following principles. No HIPA officer, director, employee or member will:

- Engage in any activity intended or attempting to effectuate agreement (including written or oral, formal or informal) among two or more members or other competitors with regard to prices or terms and conditions of contracts for services or products.
- Jointly negotiate prices or price-related terms with a health care payor such as an insurance company;
- Enter into discussions or exchange information about allocating or dividing geographic markets, customers, or patients;
- Enter into discussions or exchange information about discouraging competition in any segment of the healthcare market;

- Enter into discussions or exchange information about exclusive dealing with any health care provider or group of health care providers, supplier or purchaser of healthcare services or products, competitors, patients, or private or governmental reimbursers concerning the following topics:
 - The pricing and other economic terms of contracts (including cost-containment terms) with health care payors;
 - The prices charged by health care providers either to health care payors or patients;
 - Refusal to provide services that may be desired by health care payors or patients;
 - Limitations on the package of related services that may be offered to health care payors or patients;
 - Boycotts or refusals to deal with health care payors;
 - Whether members should or should not accept particular contractual terms offered by health care payors; or
 - Coercion or retaliation with respect to any member's decision to contract with a health care payor and may not organize a boycott or concerted refusal to deal with a payor if that payor does not comply with contract demands.

HIPA is not, and will not become, involved in the competitive business decisions of its members, nor will it participate in activities or discussions that suppress fair and open competition among its members.

D. Conduct Not Prohibited

HIPA may act as a passive messenger and convey proposed contract terms between its members and health care payors and advocate on behalf of individual members with regard to the terms of contracts with payors.

As permitted under applicable law, HIPA may also actively work with its member physicians and third parties, including health care payors, to discuss and come to agreement on the following topics listed below:

- Quality of patient care;
- Clinical integration;
- Alignment of objectives and incentives;
- Initiatives to control health care costs and ensure a sustainable health care system;
- Coordination of care;
- Exchange of information or medical records regarding patients to facilitate coordination of care;
- Uniform standards or guidelines relating to the above including contract terms with health care payors in pursuit of the above objectives;
- Sharing information or concerns about the standardized terms of contracts with health care payors; and
- Legislative and administrative advocacy.

