

Statement of Commissioners Mozelle W. Thompson and Pamela Jones Harbour
Victory Memorial Hospital/Provena St. Therese Medical Center

File No. 011-0225

Today, a majority of the Commission voted to close an investigation of the Vista Health joint operating agreement (JOA) between Provena St. Therese Medical Center and Victory Memorial Hospital. We write to explain our dissenting votes.

This investigation included empirical analysis comparing the change in the post-JOA contract Da2[Tw 0.3nt-1(.) o]e ip(12"2)i2"24(t)21 (t)21g 6(h)d (-)e wr 6d (-)ec to eudag()uadaag()u.4(cl)-6(u)(g()ug (t) nearby hospitals in Northern Illinois. Standing alone, the empirical analysis did not conclusively prove that observed post-JOA price increases at St. Therese and Victory were the result of market power created by the JOA. If there were no other evidence in this matter, we would have concurred with the majority vote.

Well-grounded empirical analyses can be important and informative. Here, however, when such

1. See Mary Coleman, Best Practices for Interacting with the Federal Trade Commission Re: Data and Empirical Analyses in Antitrust Inves