



ANTITRUST STATEMENT

The Colorado Dental Association (CDA) is firmly committed to the principle of competition served by the antitrust laws. Good business judgment demands that every effort be made to assure compliance with all applicable federal and state antitrust laws and trade regulations.

The CDA recognizes that trade associations are subject to scrutiny under the antitrust laws because they are venues where competitors gather and share information relevant to the industry. Consequently, associations must act carefully and cautiously in the way that they conduct their activities to ensure that they do not create situations that could be construed as violations of the antitrust laws.

Specifically, antitrust laws prohibit dentists from banding together to negotiate pricing or insurance contract provisions. This means that a group of dentists:

- Cannot share pricing information, discuss what types of incentives or discounts they offer, or agree on fees that will be charged for specific services
- Cannot encourage another doctor not to sign an insurance contract for any reason
- Cannot discuss strategies to negotiate better prices or contract provisions with an insurance company
- Cannot agree to boycott a business, including an insurance company, or work together to prevent a business from entering the market. While a single business (or independent dentist) is free to refuse to deal with anyone it chooses, if two or more dentists agree to boycott a third party, that may be considered a boycott, which is illegal under antitrust laws.
- The sharing of knowledge and information serves many desirable goals. It can help spur innovation and better equip an industry to understand and respond to marketplace realities. However, the sharing of non-public-domain information – such as pricing information, marketing plans, supply costs and employee compensation – with fellow members can cause antitrust problems. Information-sharing programs must be structured in ways that do not disclose a member's current pricing, pricing strategies, marketing plans or other competitively sensitive information that could facilitate a price fixing agreement or otherwise be used to restrain competition.

The CDA also cannot recommend pricing or negotiation strategies to its members. The CDA cannot recommend that its members join or not join a particular insurance network.

Please keep these parameters in mind during all House of Delegates discussions and debate.