

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of
NORTH TEXAS SPECIALTY PHYSICIANS,
a corporation.

DOCKET NO. 9312

**COMPLAINT COUNSEL'S REQUESTS FOR ADMISSIONS TO
RESPONDENT NORTH TEXAS SPECIALTY PHYSICIANS**

Pursuant to 16 C.F.R. § 3.32, Complaint Counsel hereby requests that Respondent North Texas Specialty Physicians ("NTSP") respond within twenty days of service to the following requests for admission in accordance with the definitions and instructions set forth below.

I.

Definitions and Instructions

Complaint counsel requests and instructs that NTSP answer the following requests for admission in accordance with the following definitions and instructions:

- A. Each request for admission shall be answered separately and fully in writing under oath. The answers are to be signed by the person making them.
- B. If you cannot answer any request for admission in full after exercising due diligence to secure the full information to do so, so state and answer to the extent possible, setting forth in detail the reasons why you cannot truthfully admit or deny the matter and detailing what you did in attempting to secure the unknown information.
- C. "Person" means any natural person, firm, association, partnership, corporation, joint stock

company, government, government agency, unincorporated association, trust or other form of legal entity, whether or not in the employ of Complainant. The acts and knowledge of a person are defined to include the acts and knowledge of that person's directors, officers, members, employees, representatives, agents, subsidiaries, and attorneys.

- D. "NTSP" refers to Respondent North Texas Specialty Physicians, its employees, representatives, attorneys, agents, past and present participating physicians, directors, officers, and consultants.
- E. The singular includes the plural and vice versa; the terms "and" and "or" shall be both conjunctive and disjunctive; and the past tense includes the present tense and vice versa.
- F. "Payor" means any third-party payor, health maintenance organization, preferred provider organization, fee-for-service indemnity insurance, employer self-insured health benefit plan, Medicare, Medicaid, or any other private or governmental health care plan or insurance of any kind.
- G. "Participating physician" means any physician or physician entity that has contracted with NTSP with regard to the provision or contemplated provision of the physician's services to any hospital, payor, or other physician organization.
- H. "Physician entity" means a sole proprietorship, partnership, foundation, or professional corporation of physicians.
- I. "Physician organization" means any association of physicians including, but not limited to, physician entities and physician independent practice associations.
- J. "Minimum acceptable compensation" means "minimum acceptable compensation" or

"minimum acceptable range of compensation" as those or similar phrases are used in the documents provided to the Federal Trade Commission by NTSP bearing Bates numbers NTSP 003960, 004948, 004634, and 014432, among others.

- K. "Minimum contract price" means "Contracted Minimums" or "Board Minimums" as those or similar phrases are used in the documents provided to the Federal Trade Commission by NTSP bearing Bates numbers NTSP 003960, 004634, 004948, and 014432, among others.
- L. "Aggregated data" means data or information from or pertaining to more than one person that has been altered or manipulated so that the specific identity or response of any person from which the data or information was obtained or to whom it pertains no longer can be discerned. "Aggregated data" includes, for example, arithmetic means, medians, modes, and frequency distributions.
- M. "Material improvements in the quality" of medical services means verifiable and valuable enhancements to qualitative aspects of the practice of medicine, including but not limited to the quality of treatment outcomes.
- N. Your failure to admit any request for admission requires that you supplement your response to admit the matter if you, or any person acting on your behalf, subsequently obtains additional information indicating that the matter should be admitted.

I.

Requests for Admission

- 1. Admit that the dissemination by NTSP to participating physicians of aggregated data regarding participating physicians' minimum acceptable compensation for fee-for-service

medical services was not reasonably necessary to the achievement of material improvements in the quality of participating physicians' (a) fee-for-service medical services and (b) other than fee-for-service medical services.

2. Admit that the dissemination by NTSP to participating physicians of aggregated data regarding participating physicians' minimum acceptable compensation for fee-for-service medical services was not reasonably necessary to the achievement of material reductions in the cost of participating physicians' (a) fee-for-service medical services and (b) other than fee-for-service medical services.
3. Admit that the establishment by NTSP of minimum contract prices for fee-for-service medical services was not reasonably necessary to the achievement of material improvements in the quality of participating physicians' (a) fee-for-service medical services and (b) other than fee-for-service medical services.
4. Admit that the establishment by NTSP of minimum contract prices for fee-for-service medical services was not reasonably necessary to the achievement of material reductions in the cost of participating physicians' (a) fee-for-service medical services and (b) other than fee-for-service medical services.
5. Admit that the refusal by NTSP to submit to NTSP physicians offers from payors that do not satisfy minimum contract prices established by NTSP for fee-for-service medical services was not reasonably necessary to the achievement of material improvements in the quality of participating physicians' (a) fee-for-service medical services and (b) other than fee-for-service medical services.
6. Admit that the refusal by NTSP to submit to NTSP physicians offers from payors that do

not satisfy minimum contract prices established by NTSP for fee-for-service medical services was not reasonably necessary to the achievement of material reductions in the cost of participating physicians' (a) fee-for-service medical services and (b) other than fee-for-service medical services.

7. Admit that the departicipating by NTSP of NTSP physicians from payor agreements that do not satisfy minimum contract prices established by NTSP for fee-for-service medical services was not reasonably necessary to the achievement of material improvements in the quality of participating physicians' (a) fee-for-service medical services and (b) other than fee-for-service medical services.
8. Admit that the departicipating by NTSP of NTSP physicians from payor agreements that do not satisfy minimum contract prices established by NTSP for fee-for-service medical services was not reasonably necessary to the achievement of material reductions in the cost of participating physicians' (a) fee-for-service medical services and (b) other than fee-for-service medical services.

Dated: _____, 2003

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Christine Rose, hereby certify that on December 8, 2003, I caused a copy of Complaint Counsel's Requests for Admissions to Respondent to be served upon the following persons:

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