Highlights to the 2026-3 Edition of Health Care and Antitrust Law

This new Edition to Health Care and Antitrust Law includes new and updated case law, government enforcement actions, and compliance guidance, consisting of new content in the following areas:

- Third Circuit addresses allegedly unlawful algorithmic-pricing scheme involving casino hotel room prices. Cornish-Adebiyi v. Caesars Entertainment, Inc., --- F.4th ---- , 2026 WL 2182291 (3rd Cir. 2026) (see § 4:2);
- Caremark Rx LLC and Zinc Health Services LLC enter into settlement with government worth up to $13 billion that requires the PBM to adopt changes to its business practices, increase transparency and, and ensure community pharmacies are treated "fairly." (§ 7:13);
- FTC secures $12 million in penalties to settle charges alleging that Edwards Lifesciences Corp. acquired medical device maker JC Medical from Genesis MedTech Group Limited without complying with notification and waiting period requirements of the Hart-Scott-Rodino Act (HSR). (§ 8:17);
- Connecticut appeals court addresses Noerr-Pennington issue and finds that the plaintiff operator of a substance misuse treatment facility did not establish probable cause that the competitor's challenge to the operator's application for a certificate of need for a facility was objectively baseless. Birch Hill Recovery Center, LLC v. High Watch Recovery Center, Inc., 233 Conn.App. 182, 339 A.3d 661 (Ct. App. 2025) (§ 9:8);
- FTC reaches agreement in principle with U.S. Anesthesia Partners Inc. to settle litigation and restore competition for anesthesia services in Texas. (§ 15:2);
- FTC sends letter to Tennessee legislators warning of potential harm to patients if it passes legislation terminating a Certificate of Public Advantage that provides state regulatory oversight for Ballad Health. (§ 15:6);
- FTC requires national nonprofit health system Ascension Health Alliance to divest several surgery center

facilities to complete its proposed $3.9 billion acquisition of AmSurg LLC. (§ 15:10);

- Aurobindo Pharma Limited to divest four different generic drug products to complete its $250 million acquisition of Lannett Company Inc. (§ 15:34); and
- California Supreme Court addresses issue of market delay in context of product liability rather than antitrust law and analyzes drug maker's duty of care owed to consumers. Gilead Tenofovir Cases, --- P.3d ----, 2026 WL 2223748 (CA 2026) (see § 25:2).