



FEDERAL TRADE COMMISSION
PROTECTING AMERICA'S CONSUMERS

For Release

FTC Requires Divestiture of Ambulatory Surgery Centers to Protect Patients from Anticompetitive Effects of Ascension Health-AmSurg Deal

Proposed FTC order seeks to protect Americans from higher surgery costs, lower quality care

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The Federal Trade Commission took action to protect American patients from higher outpatient surgery costs by requiring national nonprofit health system Ascension Health Alliance (Ascension) to divest several surgery center facilities to complete its proposed \$3.9 billion acquisition of AmSurg LLC.

Ascension's acquisition of AmSurg, a subsidiary of Ambulatory Topco LLC, would combine two providers of outpatient surgical services, which range from cataract surgeries to colonoscopies. Under the terms of the [FTC's proposed consent order](#), Ascension will be required to divest seven AmSurg ambulatory surgery centers. The divestiture covers each AmSurg facility in the relevant markets in which the proposed transaction would otherwise threaten competition: Nashville, Tenn., Panama City, Fla., Tulsa, Okla., Waco, Texas, and Wichita, Kan.

Six of the centers will be divested to SC Affiliates, an experienced operator of ambulatory surgery centers nationwide. The seventh center in Panama City will be divested to Florida Gastroenterology Center, a physician group that currently owns a minority stake in the relevant facility and will now assume full ownership.

"Access to quality surgical care at an affordable price is critically important for millions of Americans across the country," said Daniel Guarnera, Director of the FTC's Bureau of Competition. "The FTC's action ordering divestitures of surgical care centers will help preserve a competitive market that will allow patients to get the care they need at a fair price."

The [FTC's proposed consent order settles allegations](#) that Ascension's acquisition of AmSurg would limit competition for certain outpatient surgical services performed by gastroenterologists, ophthalmologists and orthopedists across the Nashville, Panama City, Tulsa, Waco and Wichita metro areas. Limited competition for these surgical services likely would lead to higher surgery prices for patients, the complaint alleges, while also threatening to lower the quality of care and limit surgical services innovation.

The FTC's proposed consent order, which requires the divestitures, also specifies that:

- Ascension, Ambulatory Topco and AmSurg must provide transition assistance for up to one year, protect confidential information, maintain the viability of the divested assets until transfer and refrain from interfering with the employment relationships at the facilities.
- A monitor will be appointed to oversee compliance with all divestiture and transition obligations.
- For a period of 10 years, Ascension also will be required to give the Commission prior notice for any acquisition of ambulatory surgical centers in the metropolitan areas around the divested surgical centers.

Throughout the investigation into this matter, the FTC worked in close collaboration with the offices of the attorneys general of Florida, Oklahoma and Tennessee and appreciates its partnership with the states. The Commission vote to issue the complaint and accept the consent agreement for public comment was 2-0.

The public will have 30 days to submit comments on the proposed consent agreement package. Instructions for filing comments appear on the docket. Once processed, they will be posted on [Regulations.gov](#).

NOTE: The Commission issues an administrative complaint when it has "reason to believe" that the law has been or is being violated, and it appears to the Commission that a proceeding is in the public interest. When the Commission issues a consent order on a final basis, it carries the force of law with respect to future actions.

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