

Stinson Attorneys Examine Role of Private Equity in Health Care M&A, Provide Guidance for Mitigating Antitrust Risk in *Law360*

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Stinson LLP Partners [Jeetander Dulani](#) and [Nicci Warr](#) and Of Counsel [Bill Kearney](#) authored an article for *Law360*, "PE-Healthcare Mergers Should Prepare For Challenges." The attorneys examine the increased scrutiny from state and federal lawmakers surrounding mergers and acquisitions in the health care industry.

Several states are implementing reporting requirements for hospital and health system mergers and acquisitions in response to concerns about health care consolidation leading to higher costs and reduced quality of care. The new regulations focus on the role of private equity investment in the health care sector. The Department of Justice and Federal Trade Commission also plan to expand requirements for premerger notification rules under the Hart-Scott-Rodino Act, which the attorneys say will place an additional burden on health care entities seeking approvals.

The attorneys say health care merger transactions that would have drawn little scrutiny a few years ago now require a multijurisdictional risk analysis upfront.

"With these changes on the horizon, private equity firms in talks with health systems should start preparing for state and federal regulators to use all the antitrust tools available to challenge mergers and acquisitions in 2024 and beyond," the attorneys write. "Parties involved in strategic or multistate healthcare transactions should identify risks from both state and federal regulations during the deal formation process."

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The attorneys also note that health care entities should be prepared to litigate or develop viable and credible remedies as part of their merger clearance strategy, as the burden to resolve such risks falls on the entities involved, not state or federal regulators.

Dulani's practice includes competition disputes, class actions, mergers and acquisitions, government investigations and other complex litigation. He represents clients before the DOJ and FTC in merger and conduct investigations, as well as False Claims Act-related litigation, and advises on antitrust risk and compliance and on vertical business arrangements.

Kearney's practice serves clients domestically and internationally and focuses on pre-merger notification compliance under the Hart-Scott-Rodino Act. He also has extensive experience handling matters involving DOJ and FTC antitrust investigations concerning corporate mergers and acquisitions and joint ventures in various industries, including financial services, pharmaceuticals, software and telecommunications.

Warr's experience working on complex litigation and counseling matters spanning antitrust, consumer protection laws and intellectual property issues gives her a unique perspective that helps her find effective and efficient solutions for her clients. Much of Warr's work focuses on new and emerging technologies and matters involving the intersection of intellectual property and antitrust law.

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