

Antitrust Policy of the Society of Interventional Radiology

SIR is a nonprofit, national scientific organization committed to its mission of improving health and quality of life through the practice of interventional radiology. SIR is organized to promote education, research and communication in the field of interventional radiology while providing strong leadership in the development of health care policy.

The Society of Interventional Radiology and its foundation have a strict policy of compliance with federal and state antitrust laws. Antitrust laws prohibit agreements among competitors that restrain trade, and SIR members may be considered competitors for purposes of antitrust challenges even if their practices are not in the same geographic areas. The penalties for violations of the antitrust laws are severe for medical societies and their members.

In all SIR and foundation activities, each member, as well as SIR staff, shall be responsible for following the SIR and foundation policies of strict compliance with the antitrust laws. SIR and foundation officers, councilors, committee chairs and executive staff shall ensure that this policy is known and adhered to in the course of activities pursued under their leadership. Antitrust compliance is the responsibility of every SIR member and staff.

General Antitrust Compliance Principles

SIR will not become involved in the competitive business decision of its individual members, nor will it take any action that would tend to restrain competition. SIR is firmly committed to the principle of competition served by the antitrust laws, and good business judgment demands that every effort be made to assure compliance with all applicable federal and state antitrust laws and trade regulations.

SIR members in separate practices cannot come to understandings, make agreements or otherwise concur on positions or activities that in any way tend to raise, lower or stabilize prices or fees, allocate or divide up markets or encourage or facilitate boycotts. Individual SIR members must make decisions regarding the amounts they charge for their services and other terms of dealing with patients, vendors and third-party payors on their own and without consultation with their competitors or SIR.

The antitrust laws are complicated and often unclear. If any member is concerned about being in a “gray area,” the member should consult with an antitrust attorney. If the conversation among competitors at an SIR meeting turns to antitrust-sensitive issues, participants should discontinue the conversation until legal advice is obtained or leave the meeting immediately.

Discussions of pricing or boycotts as part of SIR-scheduled programs or at SIR-sponsored meetings could implicate and involve the SIR in extensive and expensive antitrust challenges and litigation. In addition, the U.S. Supreme Court has determined that an association can be held liable for statements or actions in antitrust-sensitive areas by volunteer leaders who claim to speak for the association, even if they are not authorized to speak in that area. Directors and officers of SIR must, therefore, make clear whether they are speaking in their official capacity when they address such issues; by contrast, if they are making personal remarks outside of an SIR setting, the speaker should clearly state that he or she is speaking for him or herself, and not on behalf of the SIR.

To assist the SIR staff, officers, directors and committee chairs in recognizing situations that may give the appearance of an antitrust concern, the executive council shall provide to each such person, copies of this antitrust compliance statement. In addition, this statement shall be referenced at the start of each meeting where SIR business will be discussed, and this action will be noted in the minutes of the meeting.

Any violation of the antitrust policy will be brought to the attention of the Executive Council, and the Council will deal with it in a timely and appropriate manner. The Executive Council will consult with legal counsel when questions arise as to the way the antitrust laws may apply to the activities of SIR.

Specific Rules of Antitrust Compliance

1. SIR activities shall not be used for the purpose of bringing about, or attempting to bring about, any understanding or agreement, written or oral, formal or informal, expressed or implied, among competitors with regard to prices or fees, terms or conditions of sale, discounts, territories or customers. For example, any agreement by competitors to “honor,” “protect,” or “avoid invading” one another’s geographic areas, practice specialties or patient lists would violate the law.
2. SIR activities and communications shall not include discussion or actions, for any purpose or in any fashion, of prices or pricing methods or other limitations on either the timing of services or the allocation of territories or markets or customers in any way. For example, SIR members cannot come to understandings, make agreements, or otherwise concur on positions or activities that are directed at fixing prices, fees or reimbursement levels. Likewise, SIR members cannot collectively make agreements as to whether they will or will not enter into contracts with certain managed care plans. Even if no formal agreements are reached on such matters, discussions of prices, group boycotts or market allocations followed by parallel conduct in the marketplace can lead to antitrust scrutiny or challenges. Members may, however, consult with each other and freely discuss the scientific and clinical aspects of the practice of medicine.
3. SIR shall not undertake any activity that involves exchange or collection and dissemination among competitors of any information regarding prices, pricing methods, cost of services or labor or sales or distribution without first obtaining the advice of legal counsel, when questions arise as to the proper and lawful methods by which these activities may be pursued. For example, caution should be exercised in collecting data on usual and customary fees, managed care reimbursement levels, workforce statistics and job market opportunities. While the mere collection of data on such matters is permissible if certain conditions are met, antitrust concerns may arise if the data become the basis for collective action.

In general, SIR activities and communications shall not include any discussion or action that may be construed as an attempt to: (1) raise, lower or stabilize prices; (2) allocate markets or territories; (3) prevent any person or business entity from gaining access to any market or to any customer for goods or services; (4) prevent or boycott any person or business entity, including managed care organizations or other third party payors, from obtaining services freely in the market; (5) foster unfair trade practices; (6) assist in monopolization; or attempts to monopolize or (7) in any way violate applicable federal or state antitrust laws and trade regulations. The actual purpose and intent of SIR’s policies and programs are important in this regard. They cannot be aimed at accomplishing anticompetitive objectives.

Approved by the SIR Executive Council June 14, 2014