

American Association of Certified Orthoptists
Guidelines for the Avoidance of Inadvertent Anticompetitive Conduct
Summary

All membership associations – including the American Association of Certified Orthoptists – are subject to the federal government’s antitrust laws and rules. These generally apply to what is known as “anticompetitive conduct” and can occur when separate economic entities engage in activities including things like price fixing, boycotting a competitor, or improperly interfering in the business practices of another person or entity.

Membership associations by their very nature are made up of “separate economic entities.” Most of our members work for different institutions or companies, and thus could be considered to be competitors. As such, whenever our members get together, possible violations of the antitrust laws (even inadvertent) can take place unless everybody is aware of what constitutes appropriate behavior and the AACO’s related policies. The U.S. Department of Justice, the Federal Trade Commission or private entities may be involved in enforcement actions of Federal antitrust laws.

A *summary* of our policies appears below. Note that this document *does not* replace the formally adopted policy, which we recommend interested parties read in its entirety.

- Discussions at any meeting of members – including the Board, Committees, delegates to other organizations, or informal groups of members – shall not include any of the following:
 - anything to do with setting prices, fees, or salaries.
 - boycotting any individual or group of health care providers; suppliers or purchasers of healthcare products or services; or any actual or potential competitors, patients or other segment of the public. *Note:* To be a violation, a boycott does not necessarily need to be implemented; merely discussing activities that could lead to a boycott can be considered a violation.
 - allocating or dividing geographic or service markets, customers or patients.
 - restricting or limiting advertising or solicitations that otherwise are not false, misleading or deceptive. Of course, AACO *does not* condone false, misleading or deceptive advertising.
 - discouraging competition in any segment of the health care market.
 - talking about whether or not practices of a member, competitor or somebody else are “unethical” or are “anticompetitive.” *Note:* An exception to this rule might be applicable as part of a duly authorized and properly organized code of ethics enforcement action.
 - discussing the safety, quality, efficacy, prices or fees of products or services relating to health care products or services.
- Minutes of all meetings of the AACO, including other organizations where AACO representatives are participants, shall be maintained which include the subject matter of all discussions and decisions reached.
- Members, officers, committee members, or others do not have the authority to make any written statement on AACO letterhead, or any oral or written statement otherwise in which they purpose to be acting on behalf of the AACO, relating to the subjects listed in the first bullet above.
- It is important for members to keep in mind that in addition to written communication, and formal meetings and informal gatherings of members, email communication also is subject to the rules noted above.