



# AMERICAN OPTOMETRIC ASSOCIATION

Updated 10/2022

The following is a list of key considerations developed by AOA based on the principal antitrust statutes. The following description of the antitrust laws is necessarily very general and is meant primarily to raise a red flag regarding prohibited activities. The AOA expects Covered Individuals, defined as employees, volunteers, and others acting on its behalf, to observe these guidelines. Whenever a Covered Individual is uncertain whether an action might have antitrust consequences, he or she should immediately contact the AOA General Counsel's office for clarification.

1. Price Discussions - Covered Individuals are prohibited from discussing pricing with or among competitors. Covered Individuals should not discuss with competitors any information involving prices or the components of prices, costs of services, costs, discounts, fees, reimbursement rates, profits or overhead, without first obtaining advice from legal counsel.
2. Discussions of Customer or Market Allocation - Individuals must not discuss allocating customers or geographic territories between or among competitors. There must be no agreements or discussions with competitors about who will sell to which customers or about the geographic territory that each competitor will cover.
3. Refusals to Deal - Individuals must not discuss with competitors refusals to deal with a customer or group of customers, particular providers, suppliers, manufacturers, or third-party payers.
4. Additional Considerations for Professional Associations - In a situation where AOA wishes to engage in some form of information exchange about safety, costs, or past prices, legal counsel must be consulted prior.
5. Lobbying and Advocacy - Lobbying and advocacy work is generally exempt from antitrust liability. Activities that fall under this exemption include lobbying for legislation, seeking executive branch enforcement of laws and regulations, or filing a lawsuit.
6. A Note on Trade Libel - Trade libel is a civil cause of action in which a plaintiff alleges that a defendant published false and disparaging information about the plaintiff's goods or services, causing financial harm. Professional associations have sometimes been subject to trade libel claims when commenting on companies or products in the marketplace. No person representing the AOA shall publish any potentially derogatory information about a product or service in the marketplace without first consulting with AOA staff, including legal counsel.
7. Third-Party Antitrust Policy - AOA representatives should not coordinate with competitors to engage in joint negotiations with third-party payers on the reimbursement policies and facilitate concerted action with competitors to increase fees or reimbursement rates. Examples of concerted actions would include recommendations to its members that they withdraw from contracting with a third-party payer or that members do not participate in a plan.

Resources: [AOA Antitrust Compliance Policy](#), [Federal Compliance Webinar](#)