The Burger Court Opinion Writing Database

FTC v. Indiana Federation of Dentists
476 U.S. 447 (1986)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

May 29, 1986

RE: 84-~~1890~~ *1809* - Federal Trade Commission v.
        Indiana Federation of Dentists

Dear Byron:

    I join.

Regards,

Justice White

Copies to the Conference

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

May 22, 1986

No. 84-1809

Federal Trade Commission
v. Indiana Federation of Dentists

Dear Byron,

Please join me.

Sincerely,

Bill

Justice White

Copies to the Conference

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84–1809

FEDERAL TRADE COMMISSION, PETITIONER *v.* INDIANA FEDERATION OF DENTISTS

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

[May ——, 1986]

JUSTICE WHITE delivered the opinion of the Court.

This case concerns commercial relations among certain Indiana dentists, their patients, and the patients' dental health care insurers. The question presented is whether the Federal Trade Commission correctly concluded that a conspiracy among dentists to refuse to submit x-rays to dental insurers for use in benefits determinations constituted an "unfair method of competition" in violation of § 5 of the Federal Trade Commission Act, 15 U. S. C. § 45.

I

Since the 1970s, dental health insurers, responding to the demands of their policyholders, have attempted to contain the cost of dental treatment by, among other devices, limiting payment of benefits to the cost of the "least expensive yet adequate treatment" suitable to the needs of individual patients. Implementation of such cost-containment measures, known as "alternative benefits" plans, requires evaluation by the insurer of the diagnosis and recommendation of the treating dentist, either in advance of or following the provision of care. In order to carry out such evaluation, insurers frequently request dentists to submit, along with insurance claim forms requesting payment of benefits, any dental x-rays that have been used by the dentist in examining the patient as well as other information concerning their diag-

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES:

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84–1809

FEDERAL TRADE COMMISSION, PETITIONER *v.* INDIANA FEDERATION OF DENTISTS

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

[June ——, 1986]

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Since the 1970's, dental health insurers, responding to the demands of their policyholders, have attempted to contain the cost of dental treatment by, among other devices, limiting payment of benefits to the cost of the "least expensive yet adequate treatment" suitable to the needs of individual patients. Implementation of such cost-containment measures, known as "alternative benefits" plans, requires evaluation by the insurer of the diagnosis and recommendation of the treating dentist, either in advance of or following the provision of care. In order to carry out such evaluation, insurers frequently request dentists to submit, along with insurance claim forms requesting payment of benefits, any dental x rays that have been used by the dentist in examining the

Supreme Court of the United States
Washington, D. C. 20543

May 27, 1986

_____ ____ - Federal Trade Commission v.
Indiana Federation of Dentists

_____ __.

Sincerely,

T.M.

T.M.

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 29, 1986

Re: No. 84-1809, FTC v. Indiana Federation of Dentists

Dear Byron:

Please join me.

Sincerely,

Harry

Justice White

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 22, 1986

84-1809 FTC v. Indiana Federation of Dentists

Dear Byron:

Please join me.

Sincerely,

Lewis

Justice White

lfp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

May 28, 1986

Re: 84-1809 – Federal Trade Commission v. Indiana
        Federation of Dentists

Dear Byron:

Please join me.

Sincerely,

Wm

Justice White

cc: The Conference

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 22, 1986

Re: 84-1809 – <u>FTC</u> v. <u>Indiana Federation of
Dentists</u>

Dear Byron:

Please join me.

Respectfully,

Justice White

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CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

May 22, 1986

Re: 84-1809 FTC v. Indiana Federation of Dentists

Dear Byron,

Please join me.

Sincerely,

Sandra

Justice White

Copies to the Conference