

THEODOSIA STAVROULAKI

Dr. Theodosia Stavroulaki is a Fulbright Scholar and Hauser Global Fellow at NYU School of law where she pursues her research agenda on the role of competition law in ensuring the public policy objectives of the Higher Education sector. Before taking this position, as a funded PhD researcher at the EUI, Theodosia completed her PhD entitled 'Integrating Health Care Quality Concerns Into a Competition Law Analysis: Mission Impossible?'. Theodosia also spent several months at the London School of Economics as a visiting scholar in 2015, as a result of a research grant she secured from the European Commission. During the same year, Dr. Stavroulaki also received a prestigious award from the Antitrust Section of the American Bar Association in order to pursue competition policy research in the field of healthcare antitrust at Georgetown Law School, present her work at the Federal Trade Commission, and conduct interviews with numerous scholars and experts in her area of research. As a result of her research in the US, her peer review article entitled 'Integrating healthcare quality concerns into the US hospital merger cases, A mission impossible?' has been published in *World Competition Law & Economics Review*. Theodosia holds three master's degrees: an LLM in Law and Economics (Utrecht University), an executive MSc in European Economic Studies (Athens University of Economics and Business) and an LL.M. in Comparative, European and International Laws (European University Institute). Before commencing her PhD at the European University Institute, Theodosia worked as an antitrust associate in a leading law firm in Greece in EU competition Law. In addition, in March of 2009, she interned at the Private Enforcement Unit of DG Competition of European Commission.

***UNRAVELLING ARIADNE'S THREAD: ANTITRUST v. PROFESSIONALISM,
FRIENDS OR FOES?***

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Abstract: Antitrust applies to healthcare. Questioning the wisdom of this universal truth, medical professionals actively insisted and still insist on professional discretion, self-regulations and other practices that violate the antitrust laws. *What do medical professionals aim to achieve by resisting the application of antitrust into their profession? What do antitrust enforcers aim to achieve by applying antitrust law to the medical profession?* The answer is simple. Among others, both antitrust enforcers and medical professionals aim to ensure quality. Interestingly, albeit their goal is identical, their approach is different. *Why?* This essay explores this enigma by analyzing some seminal healthcare antitrust cases. It concludes that the US antitrust enforcers by remaining faithful to the narrative that, the more the available choices, the better the quality, miss a crucial point: that the quality of medical treatment also depends on non-economic values such as the notions of safety and trust, essential features of the therapeutic enterprise. This essay proposes that the antitrust enforcers should extend the notion of healthcare quality when they apply antitrust law in the healthcare sector so that this notion encompasses the multiple facets of healthcare quality and the ethical values the doctor - patient relationship crucially depends on. Adopting an alternative, less myopic, approach would allow the antitrust enforcers to create an analytical framework under which the multiple dimensions of healthcare quality could be balanced against harm to competition. More importantly, it would ensure that antitrust enforcers and medical associations do not continuously struggle to impose their own views on what the prevailing facets of healthcare quality should be. In *Donabedian's* language, an alternative approach would ensure that all functions of the health system commit to the quality goals that the system *as a whole* pursues.