

[Boies Schiller Partner Files Antitrust Lawsuit Against Cancer Treatment Provider](#)

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A federal lawsuit accuses cancer treatment company 21st Century Oncology of violating antitrust laws and illegally cornering southwest Florida's radiation oncology market by using restrictive noncompete agreements and a bonus-driven referral system.

Doctors who recently left 21st Century Oncology filed the complaint in the Middle District of Florida on March 15 claiming anti-competitive tactics are used in Collier, Lee and Charlotte counties.

The suit contends the company has agreements with Lee Memorial Health System and Naples Community Hospital showing "specific intent to monopolize the market for the provision of radiation oncology services" for patients covered by public and private insurance plans.

The plaintiffs allege the company has asserted control of the health care market through incentives to in-house physicians who refer patients for radiation treatment. One example listed is the creation of a bonus pool.

"Doctors at 21st Century Oncology who refer their patients for assorted diagnostic radiology or imaging tests ... are entitled to participate in the imaging pool, which is funded through a percentage of the profits of all the imaging done at 21st Century Oncology," the complaint said.

Luis Suarez, a partner with Boies Schiller Flexner's Miami office, is part of the team representing Drs. Arie Dosoretz, Amy Fox, James Rubenstein and Michael Katin in their legal action against the Fort Myers-based company.

"They are bringing the action for improperly maintaining a monopoly over the provision of radiation oncology services," Suarez said. "They are maintaining that monopoly through extensive anti-competitive conduct in violation of federal antitrust laws."

The seven-count complaint accuses 21st Century Oncology of violating the Sherman Antitrust Act in an effort to monopolize radiation treatment in the region south of the Tampa Bay area. The company bills itself as the nation's largest radiation oncology provider employing or affiliated with 947 physicians.

The filing seeks declaratory relief and the cancellation of noncompete agreements, arguing they perpetuate a company stranglehold on the market.

"What we hope to achieve in these counties is excellent patient care," Suarez said. Co-counsel Ernest Marquart and Michele Hinton with the Tampa office of Shumaker, Loop & Kendrick did not respond to requests for comment by deadline.

Read the complaint:

A spokesman for 21st Century Oncology told the Daily Business Review the company "believes that the case has no merit and intends to vigorously defend the allegations."

"These allegations are an attempt at distraction related to historical matters that no longer exist," they said. The doctors are "seeking to circumvent valid noncompete clauses based on allegations of behavior that predates the current ownership and management team."

The doctors resigned March 15 and filed the lawsuit hours later, the company said. The resignations "will not impact quality patient care or our growth strategy."

The lawsuit is the latest in a series of tribulations for the company. The founder, Dr. Daniel Dosoretz, stepped down as CEO of the company in 2016 following an extensive data breach and several federal class actions claiming improper billing. Dosoretz left the company on the same day as the other doctors.

21st Century Oncology is now under the leadership of CEO Kim Commins-Tzoumakas following the approval of a Chapter 11 bankruptcy reorganization plan. Commins-Tzoumakas was named in a [\\$9 million federal lawsuit](#) filed March 4 by former company executive Andrew Woods seeking back pay for lobbying services.