

HSCC 330

Legal and Legislative

Aspects of Health

Care

Contracts and Antitrust

Objectives

- Upon completion of this section, the student should be able to:
 - define a contract
 - identify the types of contracts
 - identify elements of a valid contract
 - define breach of contract
 - identify remedies of breach of contract
 - identify nonperformance defenses

Objectives

- Upon completion of this section, the student should be able to:
 - define independent contractor
 - define exclusive contracts
 - identify the Sherman Antitrust Act

Contract

- Agreement between two people to do or not do something

Types of Contracts

- Expressed
- Implied

Elements of a Valid Contract

- Mutual assent/Agreement
- Promise or consideration
- Legal subject matter
- Contractual capacity

Breach of Contract

- Unjustified failure to perform the terms of the contract as agreed upon

Breach of Contract Remedies

- Money damages
- Specific performance
- Injunction

Nonperformance Defenses

- Fraud
- Mistakes
- Duress
- Illegal contract
- Impossibility
- Statue of Limitations

Independent Contractor

- An individual who agrees to undertake work without being under the direct control of another

Agent

- One who has the power to contract for and bind another person, who is known as the principal
- Apparent or ostensible agent

Exclusive Contracts

- Contract where someone binds himself to buy from or sell to ONLY one person or entity
- Most are illegal

Sherman Antitrust Act

- Federal statute that protects trade and commerce
- Combine
- Conspire
- Collusion

Statutory Framework

- Restraints of trade
 - price fixing
 - market division
 - exclusive dealing
 - group boycotts
 - tying arrangements
- Monopolization

In conclusion. . .
