Texas Files Antitrust Suit Against Epic Systems Over Health Data

By Madlin Mekelburg
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Texas Attorney General Ken Paxton sued Epic Systems Corp. for antitrust violations, accusing the healthcare software company of leveraging its control over patient medical records to maintain dominance in the market.

The lawsuit, filed Wednesday in state court in Texas, claims that the software giant is the dominant provider of electronic health records, or EHS, in the US and uses that position to run an "anticompetitive playbook" that harms competitors and prevents hospitals and patients from accessing key data.

"For decades, Epic has amassed control over patient data by locking up hospitals into Epic's EHS, which in turn allows Epic to insert itself as gatekeeper over the underlying patient data," Paxton said in the lawsuit. "Epic controls who can access this data, when they can access it, and the terms by which they can access it — despite the simple fact that it is the hospitals' and patients' data, not Epic's."

Epic is facing similar allegations in a lawsuit filed last year by Particle, a patient health platform that accused Epic of violating federal antitrust laws by cutting off access to data for Particle's customers.

Epic said the Texas lawsuit is "flawed and misguided by its failure to understand both Epic's business model and position in the market."

"Every month, we improve quality of care by helping providers see a more comprehensive picture of their patient through over 725 million record exchanges — more than any other electronic health records vendor," the company said in a statement. "Over half of these are with non-Epic systems."

In the Texas case, Paxton accused Epic of violating state antitrust and consumer protection laws. He is seeking a court order that would require Epic to restore competitive conditions to the relevant markets and pay damages and fees to the state.

The case is Texas vs. Epic Systems, 236-372872-25, Texas District Court (Tarrant County).