

Camden Coalition of Healthcare Providers

Drafting State ACO Legislation and Regulations: Satisfying Federal and State Regulators

Naomi Wyatt<mark>, Esq</mark>

Agenda

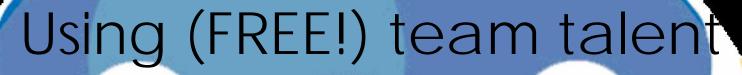
- The NJ story in 5 minutes or less
- Clear Intent
- Using (FREE!) team talent
- Consulting with the state
- Consulting with the experts
- Take-away = It can be done!
 - Q&A

The NJ Story in 5 minutes or less



Clear Intent

- Known legal hurdles
 - Anti-trust, Civil Monetary Penalties, Stark / Anti-Kickback
- Unknown implications
- Solutions
 - State the intent to exempt activities from federal law through state action doctrine
 - Legislature "does not intend to allow and does not authorize" per se violations







Consulting with the State

- State action doctrine requirements
- Providing guidance to ACOs



- Committing to too much process in regulation
- Overcomplicating a demonstration project

Consulting with the Experts

- National health care consulting firm
- D.C. law firm experts with FTC and DOJ experience
- Review and feedback from regulators
 - Impact on the commercial market
 - Revealing/negotiating pricing
 - Require ACO "anti-trust policies"



