



Camden Coalition of Healthcare Providers

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

Naomi Wyatt, Esq.

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

Using (FREE!) team talent



ACO



Consulting with the State

- State action doctrine requirements
- Providing guidance to ACOs



- Committing to too much process in regulation
- Over-complicating 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”

Take-away



It Can Be Done!



Q & A

THANK YOU
naomi@camdenhealth.org