



# WHY WE SHOULD CARE ABOUT ACCOUNTABLE CARE

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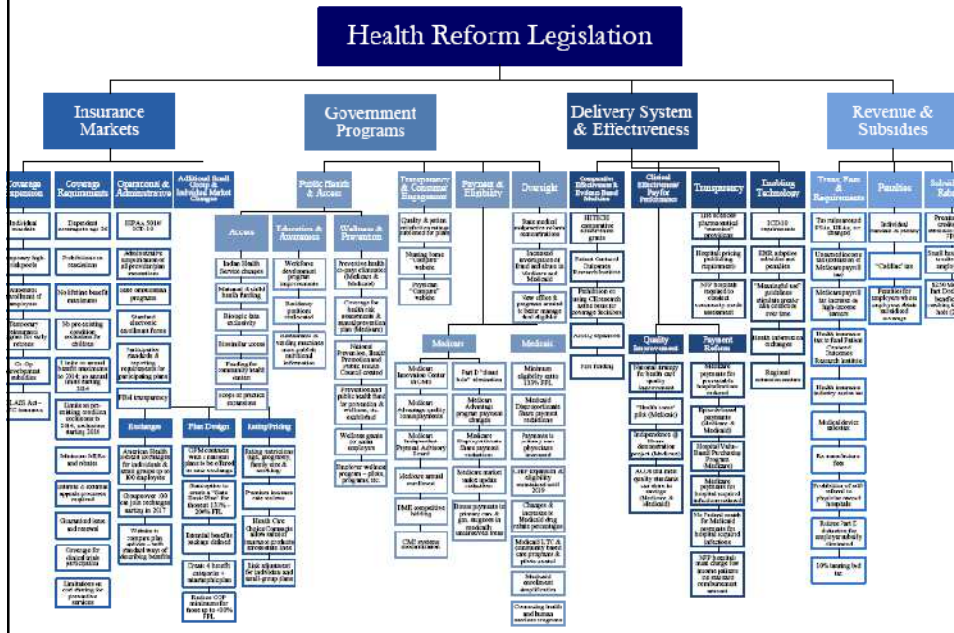
## Outline of Presentation

- Overview of ACOs
- Medicare ACOs
- Structure of ACO Models
- ACO Legal Challenges



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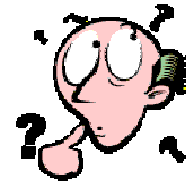
# Health Reform Map: Simplifying Complexity



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## Overview of ACOs

- What is an Accountable Care Organization (a/k/a ACO)?
  - Healthcare providers agree to be accountable for quality, cost, and overall care of a defined population of patients.
  - Similar to patient centered “medical homes,” which deliver primary patient centered care via a coordinated group of providers.
  - Payor reimbursement policies will vary.



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## Medicare ACOs

### Requirements to participate:

- Have a formal legal structure to receive and distribute shared savings
- Have a sufficient number of primary care professionals
- Agree to participate in the program for not less than 3-years
- Have sufficient information regarding participating ACO healthcare professionals
- Have a leadership and management structure that includes clinical and administrative systems
- Have defined processes to:
  - (a) promote evidenced-based medicine,
  - (b) report the necessary data to evaluate quality and cost, and
  - (c) coordinate care
- Demonstrate it meets patient-centeredness criteria



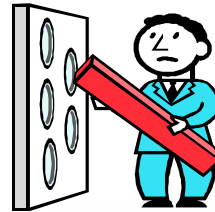
## Additional ACO Fun Facts

- Participating ACOs that meet quality performance standards may receive a percentage of any savings.
- Quality performance standards will include measures in clinical processes and outcomes of care, patient experience, and utilization of services.
- Medicare beneficiaries will continue to be able to choose their providers.
- Program scheduled to begin by 1/1/2012.



## Structure of ACO Models

- Group Practices
- Network of Practices
- Integrated Delivery Systems (comprised of hospitals, physicians, and other providers)
- Physician Hospital Organizations
- Hospital Employment of Physicians
- Contractual Affiliations or Management Arrangements



## ACO Legal Challenges

- Anti-Kickback Statute
- Stark Law
- Civil Monetary Penalty Law
- Antitrust Laws
- Tax Exempt Requirements
- HIPAA Regulations
- State Laws – Corporate Practice of Medicine



## Good Luck with the American Healthcare System

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**Cheryl Camin** is a shareholder in Winstead's Healthcare Industry Group as well as the Corporate, Securities/Mergers & Acquisitions Practice Group. Her practice focuses on healthcare matters, advising providers and businesses on entity formation and structural, contractual and regulatory healthcare issues. Cheryl's experience includes counseling clients on fraud and abuse, illegal remuneration, HIPAA, the HITECH Act, and Stark Law matters as well as compliance with state and federal health laws. She speaks and trains clients on technology, HIPAA privacy and security, and compliance. Cheryl has authored and co-authored numerous publications on health law, HIPAA compliance and e-health issues.

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