

HOT TOPICS IN HEALTH CARE LAW

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Pat Souter



Gray Reed

• Of Counsel, Healthcare Section

Education

- B.B.A, Baylor University
- M.B.A, University of Dallas
- J.D., Baylor University School of Law

Teaching Experience

- Baylor School of Law health law classes
- Baylor University Hankamer School of Business M.B.A. Program

Gray Reed & McGraw



- Over 130 attorneys
- Full-service, commercial law firm
- Offices in Dallas & Houston
- Opened in 1985
- Healthcare section currently has 5 board certified health law attorneys

HEALTH CARE REFORM EFFORTS

- PATIENT PROTECTION AND AFFORDABLE CARE ACT
- ALSO REFERENCED AS "THE AFFORDABLE CARE ACT", "PPACA", "ACA" AND OBAMACARE

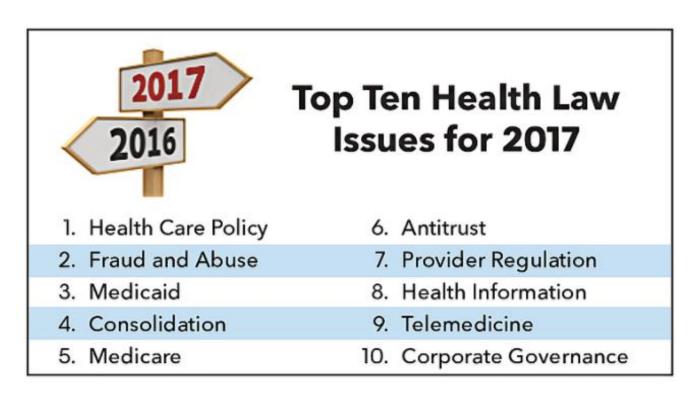
HEALTHCARE REFORM EFFORTS PRIOR TO 2017

- OVER 70 ATTEMPTS TO REPEAL, MODIFY OR OTHERWISE CURB THE ACA SINCE IT WAS PASSED IN MARCH 2010
- FISCAL 2013 BUDGET THROUGH DEFUNDING
- RESTORING AMERICANS' HEALTHCARE FREEDOM RECONCILIATION ACT OF 2015

HEALTHCARE REFORM EFFORTS SINCE 2017

- AMERICAN HEALTH CARE ACT OF 2017
- BETTER CARE RECONCILIATION ACT OF 2017
- HEALTH CARE FREEDOM ACT OF 2017 A/K/A "THE SKINNY REPEAL"
- OBAMACARE REPEAL AND RECONCILIATION ACT
- CRUZ AMENDMENT TO THE AMERICAN HEALTH CARE ACT
- GRAHAM-CASSIDY AMENDMENT TO THE AMERICAN HEALTH CARE ACT
- "MEDICARE FOR ALL"





Source: Bloomberg BNA Analysis



HEALTH CARE POLICY

- REPEAL AND REPLACE OR SOME VERSION
- REDUCTION IN FDA REGULATIONS
- FURTHER INCENTIVES IN QUALITY (WITH DANGERS AHEAD FROM A LIABILITY STANDPOINT)

FRAUD AND ABUSE

- FALSE CLAIMS ACT
- ANTI-KICKBACK LAW
- STARK LAW
- AFFORDABLE CARE ACT
- INCREASED ENFORCEMENT THROUGH FOCUSED ENFORCEMENT AND MULTI-AGENCY INITIATIVES
- THE LITTLE OLD LADY



MEDICAID

- BLOCK GRANTS
- FURTHER EXPANSION OF ELIGIBILITY DUE TO IMPACT OF THE AFFORDABLE CARE ACT
- INCREASED ENFORCEMENT ACTIVITY (INCLUDING STATUTE OF LIMITATION ISSUES)

CONSOLIDATION/ANTITRUST

- U.S. DEPARTMENT OF JUSTICE
- FEDERAL TRADE COMMISSION
- INCREASED CONSOLIDATION DUE TO PAYOR ISSUES
- ROLLBACK ON RESTRICTIONS
- INTEGRATED DELIVERY SYSTEMS

MEDICARE

- REIMBURSEMENT ACTIVITIES INCLUDING REDUCTION IN FEE SCHEDULES
- BUNDLED PAYMENTS
- QUALITY METRICS
- PRIVATIZATION
- ACCOUNTABLE CARE ORGANIZATIONS, OR "ACO", AND ALTERNATIVE PAYMENT MODELS
- INCREASED ENFORCEMENT ACTIVITY (INCLUDING STATUTE OF LIMITATION ISSUES)
- EXCLUSION OF PROGRAM VIOLATORS (INCLUDES ALL GOVERNMENTAL PROGRAMS)

PROVIDER REGULATION

- DEREGULATION
- NEW REGULATIONS
- TORT REFORM
- TAX REFORM



HEALTH INFORMATION

- HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
- MEANINGFUL USE (AND ACCOMPANYING AUDITS)
- INCENTIVES TO UTILIZE ELECTRONIC HEALTH INFORMATION
- CYBERSECURITY



TELEMEDICINE

- LICENSURE ISSUES RELATED TO LOCATION OF PRACTITIONER AND PATIENT
- INCREASED REIMBURSEMENT INCENTIVES
- LIABILITY ISSUES



CORPORATE GOVERNANCE

- COMPLIANCE
- LIABILITY
- ANTITRUST
- CYBERSECURITY



It is Enough to Confuse You?





QUESTIONS



Thank you!



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