



HOT TOPICS IN HEALTH CARE LAW

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Oct. 17 - American Medical Student Association – Baylor University Chapter

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”



Top Ten Health Law Issues for 2017

- | | |
|-----------------------|--------------------------|
| 1. Health Care Policy | 6. Antitrust |
| 2. Fraud and Abuse | 7. Provider Regulation |
| 3. Medicaid | 8. Health Information |
| 4. Consolidation | 9. Telemedicine |
| 5. Medicare | 10. Corporate Governance |

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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