

## NOTES AND COMMENTS

### A “Whole” New World: Hospital–Physician Alignment After the Affordable Care Act

Joseph E. Nelson and Jonathan D. Nowlin

**What is the issue?** The Affordable Care Act (ACA) amended the whole hospital exception to the Stark Law, and in doing so, eliminated the availability of the exception to new hospitals seeking physician ownership. As a result, individuals and entities are pursuing alternative arrangements to align hospitals and physicians in a post-ACA world.

**What is at stake?** If these alternative arrangements are found to be in violation of applicable rules and regulations, including the Stark Law and Anti-Kickback Statute, criminal and/or civil monetary penalties may apply, including exclusion from participating in federal health care programs.

**What should attorneys do?** Attorneys should advise clients who are interested in pursuing these alternative arrangements of the associated risks and assist them in structuring the arrangements so that they are afforded the greatest amount of protection from applicable rules and regulations, including the Stark Law and Anti-Kickback Statute.

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