



Navigating a Changing Provider Payment Landscape

by Matt Klein

mklein@dbllaw.com

Regulatory overhauls are in full swing, particularly in the areas of reimbursement, technology, and accountability. Concern over the changing landscape has renewed health care providers' interest in discussions regarding collaboration and consolidation. One certainty is that those who adapt to change will be best suited to thrive in a new payment environment.

Bundled Payment Programs Are On The Horizon

Bundled Payment Programs are one of the centerpieces of healthcare reform. The goal of these programs is to reduce duplication of services and improve quality. Bundled payments will be designed to incentivize providers to keep the cost of an episode of care below the lump sum payment. This model comes with the potential for both great risk and great reward. It is driving providers to change historic relationships and may change the overall framework through which care is provided.

Collaboration and Consolidation Come With Risks

We know we will see increased collaboration and consolidation across the provider spectrum. It is already here. Of course, changing relationships implicate a tangled web of legal issues, including antitrust, anti-kickback, and the Stark Law.

With Heightened Enforcement, Providers Must Stay Compliant

Enforcement of federal healthcare fraud and abuse laws has escalated in recent years, with recoveries reaching an all-time high in 2011. The laws on self-reporting and returning overpayments are changing, and compliance requires heightened vigilance. Organizations should strive to keep overpayment and self-disclosure policies in line with developing regulations.