

# What Do the New Stark Law, Anti-kickback Statute and Civil Monetary Penalty Regulations Mean for Your Organization?

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Presented via live webinar.

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On November 20, new regulations were released that will put into place the most significant rewrite of the Stark Law and Anti-kickback Statute in either law's history. The changes, issued jointly by the Department of Health and Human Services and the Center for Medicare & Medicaid Services, are intended to modernize these important laws and reduce them as obstacles to providers' efforts to shift toward a reimbursement model that rewards improved outcomes and reduced costs in care delivery. Key changes from the new regulations include:

- New exceptions and safe harbors for value-based arrangements, with regulatory flexibility for qualifying providers varying based on how much financial risk the providers are willing to assume;
- Updated definitions of fair market value and when compensation takes into account the volume or value of referrals, as well as the first formal definition of "commercially reasonable" in the Stark Law's history;
- A variety of new and modified exceptions and safe harbors, including for donations of cybersecurity and EHR technology, de minimis arrangements with physicians, personal services arrangements, leases and many others; and
- Modifications to many Stark Law principles, including designated health services, the period of disallowance resulting from prohibited referrals and a long-sought decoupling of the Stark Law and Anti-kickback Statute.

Almost all of the changes will become effective on January 1, 2021.