CMS, OIG PROPOSE CHANGES TO STARK, ANTI-KICKBACK REGULATIONS

The Department of Health and Human Services (HHS) recently released long-awaited proposals to change the physician-self referral and anti-kickback statute regulations aimed at easing providers’ participation in value-based payment models, including new, permanent exceptions to the Stark Law for value-based pay arrangements within and outside Medicare and a new safe harbor under the anti-kickback statute for certain incentives beneficiaries can access through CMS demonstrations.

The Centers for Medicare and Medicaid Services (CMS) put out a request for information on potential changes to the Stark Law over a year ago, and stakeholders have been awaiting the proposal. The HHS Office of Inspector General (OIG) put out a separate RFI on potential changes to the anti-kickback statute.

Changes to both programs are part of HHS’ so-called Regulatory Sprint To Coordinated Care, which also includes proposed changes to the privacy scheme that protects patients’ substance use disorder treatment records and changes to the Health Insurance Portability and Accountability Act that are still in the works, according to HHS Deputy Secretary Eric Hargan.

To view the CMS Fact Sheet click on the link below.

CMS Fact Sheet