



CMS Releases Accountable Care Organizations Final Rule

*A News Brief from Mellette PC
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The Centers for Medicare and Medicaid Services (CMS) recently released a much-anticipated Final Rule on Medicare Accountable Care Organizations (ACOs). In response to criticism that the proposed rules issued in March of this year were too burdensome and contained too few incentives to encourage providers to participate, the Final Rule relaxes a number of regulatory requirements and contains significant modifications intended to reduce the cost and risk of participation in ACOs.

In addition to the Final Rule, other federal agencies have issued final guidance to address concerns that ACOs could conflict with federal antitrust, tax, and fraud and abuse laws. CMS and the HHS Office of Inspector General (OIG) have issued guidance on waivers of certain fraud and abuse laws, the Federal Trade Commission (FTC) and Department of Justice (DOJ) have issued a joint Antitrust Policy Statement, and the IRS has developed a Fact Sheet regarding tax-exempt organizations and participation in ACOs.

The Final Rule can be found at: http://www.ofr.gov/OFRUpload/OFRData/2011-27461_PI.pdf

The joint CMS and OIG Interim Final Rule addressing waivers of certain fraud and abuse laws in connection with ACOs can be found at: http://www.ofr.gov/OFRUpload/OFRData/2011-27460_PI.pdf

The joint Federal Trade Commission and Department of Justice Antitrust Policy Statement is posted at: <http://www.ftc.gov/os/fedreg/2011/10/111020aco.pdf>

The Internal Revenue Service (IRS) Fact Sheet is posted at: <http://www.irs.gov/pub/irs-news/fs-2011-11.pdf>
