

## HAPPY BIRTHDAY AFFORDABLE CARE ACT

*This installment of Hall Render's Health Law Broadcast series on health care reform is designed to provide you with the insight, analysis and practical suggestions with respect to the various reform initiatives that will affect your organization.*

Today is the one-year anniversary of the Affordable Care Act. Its implementation, however, has not been a smooth one according to many observers. One of the largest challenges for the Obama Administration has been solidifying public support for the new law. To assist this effort, the U.S. Department of Health and Human Services launched an initiative this week entitled *Better Benefits, Better Health*. This initiative looks to target the public support issue by more fully informing "consumers, families and businesses" about the actual or anticipated benefits of the Affordable Care Act.

### A UNICORN HAS BEEN SIGHTED\*

There has also been an interesting development this week related to the proposed regulations for the much anticipated Sharing Savings Program, which is the source of Accountable Care Organization development. Although these proposed regulations have been expected for the past few months, there have been various delays at the Centers for Medicare and Medicaid Services (CMS). Just keep in mind that it took several years to develop meaningful Stark Law regulations after the law was enacted. Various news sources are reporting that Marilyn Tavenner, who is the Principal Deputy Administrator and Chief Operating Officer at CMS, remarked yesterday that the proposed regulations should be released by the end of March (next week) and that they will involve a pilot program approach to test the program as opposed to a "broad rollout" of Accountable Care Organizations.

### ALSO THIS WEEK...

The U.S. Department of Health and Human Services has released its National Strategy for Quality Improvement in Health Care. Required by Section 3011 of the Affordable Care Act, the purpose of the National Quality Strategy is to "establish a national strategy to improve the delivery of health care services, patient health outcomes, and population health" and to identify priorities for improvement in developing this Strategy. With the input from public comments that were solicited several months ago, this initial Strategy provides for three overarching aims: Better Care, Healthy People/Healthy Communities and Affordable Care. To further these aims, the Strategy focuses on six priorities. These six priorities are:

- Making care safer by reducing harm caused in the delivery of care;
- Ensuring that each person and family is engaged as partners in their care;
- Promoting effective communication and coordination of care;
- Promoting the most effective prevention and treatment practices for the leading causes of mortality, starting with cardiovascular disease;
- Working with communities to promote wide use of best practices to enable healthy living; and
- Making quality care more affordable for individuals, families, employers and governments by developing and spreading new health care delivery models.

And to provide "a practical roadmap" for achieving the aims of Better Care, Healthy People/Healthy Communities and Affordable Care, the Strategy identifies ten principles. These ten principles are:

- Incentivized Payment to create quality and better health;
- Public Reporting to compare costs and outcomes;
- Quality Improvement and Technical Assistance;
- Standardized Certifications, Accreditations and Regulations;

- Consumer Incentives to live healthier lifestyles;
- A national strategy of Measurement of Care Processes and Outcomes;
- Increased adoption of Health Information Technology;
- Evaluation and Feedback on all levels of health care involvement;
- Maximization of health care professional development and training; and
- Promotion of innovative models for health care delivery.



To view the complete Strategy, go to:

<http://www.healthcare.gov/center/reports/nationalqualitystrategy032011.pdf>

Additional information regarding the Better Benefits, Better Health Initiative and the National Quality Strategy are available at:

<http://www.healthcare.gov/foryou/betterbenefitsbetterhealth/index.html>, and

<http://www.ahrq.gov/workingforquality/>

Should you have any questions, please contact Brian C. Betner (317.977.1466  ) or [bbetner@hallrender.com](mailto:bbetner@hallrender.com)) or your regular Hall Render attorney.

\*Referring to the oft-used quote by Mark Smith, MD, President and CEO of the California HealthCare Foundation: "The accountable care organization is like a unicorn, a fantastic creature that is vested with mythical powers. But no one has actually seen one."