



What are the Top 5 Contracts Management Regulatory Challenges in Healthcare in 2020?

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1. HIPAA & Data Breaches - Data breaches have become a significant problem in many industries but can prove to be particularly devastating to the healthcare industry. In response, nearly all states have now developed their own individual laws to combat data breaches. Laws vary among states regarding the definition of personal information, the way in which notice of breaches must take place, and the amount of fine for organizations found to be non-compliant with data breach laws. The Office of Civil Rights (OCR) provides direct oversight and enforcement relating to Business

Associates and Covered Entities which must be managed effectively in the event of an OCR audit.

2. Anti-Kickback & Physician - Under the Anti-Kickback Statute, the financial relationships of a hospital with physicians are regulated. To avoid potential lawsuits, hospitals must make certain all physician relationships are not simply a means to obtain payments for physicians for referrals. Healthcare organizations can run into trouble with this law when they offer free services to a medical practice or when they provide discounts or pay for unnecessary services.

3. Impact of Stark Law on Physician-Hospital Relationships - The goal of the Stark Law was to prevent referral sources, primarily doctors, from profiting in an inappropriate manner from referrals. Under this law, doctors are not allowed to refer patients for services that are to be reimbursed by federal healthcare programs to any organization with which the doctor has any type of compensation arrangement or interest. Due to the complicated nature of this law, healthcare organizations must be extremely careful regarding the way in which compensations arrangements are made with physicians. Intent does not need to be proven in order for the statute to be violated, which means that violations are frequent.

4. Co-Management Arrangements - Co-management arrangements refer to agreements in which a hospital compensates physicians for fulfilling certain duties while meeting performance objectives. Such arrangements can result in legal issues related to anti-kickback, antitrust, physician self-referral prohibitions, civil monetary penalties, and Medicare regulations and laws.

5. Tax-Exempt Hospitals & Compliance Requirements - Hospitals that want to obtain or maintain tax-exempt status are required to meet specific requirements under the Patient Protection and Affordable Care Act. Such requirements include conducting a community health needs assessment and preparing written financial assistance and emergency care policies. In addition, there are limitations on charges as well as collections policies.