

# HHS Revamps Stark Law to Protect Value-Based Payments-Coordinated Care

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October 09, 2019

HHS (Health & Human Services) on Wednesday unveiled its long-awaited proposal to change its anti-kickback laws, suggesting value-based payments and coordinated care should be protected from Stark Law enforcement.

In two proposed rules from the CMS and HHS Office of Inspector General, the agencies said the kickback protections "unnecessarily limit" coordinated care, and the changes are meant to root out fraud rather than data sharing among providers that would facilitate better patient care.

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Under the proposed rules, specialty physician practices could share patient information with primary care physicians to manage care or work with hospitals on discharges using data analytics. It also would allow local hospitals to work together on cybersecurity issues without running afoul of data sharing concerns.

The safe harbors include allowing hospitals to pay physicians incentives as part of CMS-sponsored care models.

This is the first major update to the Stark law since 1989, according to HHS. After the agency requested feedback in 2018 as it looked to revise the kickback laws, providers said the rules impeded new payment models by limiting incentives used to reward progress. They could be subject to significant financial penalties even if they didn't intend to violate the regulations.

As part of the proposed rule, HHS requested comments on how price transparency is affected by the Stark law, particularly whether it should require providers give patients cost-of-care information when