

**Workshop Regarding Accountable Care Organizations, and Implications Regarding  
Antitrust, Physician Self-Referral, Anti-Kickback, and Civil Monetary Penalty (CMP)  
Laws**

**October 5, 2010**

**Agenda**

**9:00-9:30: Opening Comments**

CMS Administrator, Donald M. Berwick, M.D., M.P.P.  
FTC Chairman, Jon Leibowitz  
HHS Inspector General, Daniel R. Levinson

**9:30-10:50: FTC Panel on Clinical Integration and ACOs.**

Participants will address circumstances under which collaboration among independent health care providers in an ACO permits ACO providers to engage in joint price negotiations with private payers without running the risk of engaging in illegal price fixing under the antitrust laws.

**10:50 - 11:00: Break**

**11:00 – 12:30: FTC Panel on Encouraging Competition among ACOs.**

Participants will discuss ways to encourage formation of multiple ACOs among otherwise independent providers so that competition among ACOs in any given geographic market will improve the quality and affordability of health care.

**12:30 – 1:30: Lunch**

**1:30 – 2:50: HHS Panel**

Participants will explore the different ways in which the Secretary may exercise waiver authority or create new exceptions and safe-harbors related to the physician self-referral law, the Anti-kickback statute and the CMP law in order to encourage the creation and development of ACOs.

**2:50 – 3:00: Break**

**3:00 – 4:30: HHS Listening Session**

Attendees of the workshop both in the auditorium and on the teleconference line will provide comments to HHS regarding the interaction between ACOs and the physician self-referral law, the Anti-kickback statute and the CMP laws.

## **Panelists:**

### **FTC Panelists:**

Gloria Austin	Brown & Toland
Terry Carroll	Fairview Health Services (Topic 1 Only)
Dr. Lawrence Casalino	Weill Cornell Medical College
Mary Jo Condon	St. Louis Area Business Health Coalition
John Friend, Esq.	TMC HealthCare
Dr. Robert Galvin	Equity Healthcare
Elizabeth Gilbertson	HEREIU Welfare Fund
Douglas Hastings, Esq.	Epstein, Becker Green
Harold Miller	Center for Health Care Quality and Payment Reform
Dr. Lee Sacks	Advocate Physician Partners & Advocate Health Care
Dr. Dana Safran	BC/BS Massachusetts
Trudi Trysla	Fairview Health Services (Topic 2 Only)
Joseph Turgeon	CIGNA
Dr. Cecil B. Wilson	American Medical Association
Dr. William C. Williams	Covenant Health Partners/Covenant Health Care
Dr. Janet S. Wright	American College of Cardiology

### **HHS Panelists:**

Jeffrey Micklos, Esq.	Federation of American Hospitals
Jonathan Dieneshaus, Esq.	American Hospital Association
Tom Wilder, Esq.	Association of Health Insurance Plans
Marcie Zakheim, Esq.	National Association of Community Health Centers
Robert Saner, Esq.	Medical Group Management Association
Ivy Baer, Esq.	American Association of Medical Colleges
Chester Speed, Esq., LL.M.,	American Medical Group Association
Jan Towers, PhD, NP-C, CRNP,	American Academy of Nurse Practitioners
FAANP, FAAN	
Nora Super	AARP

## **Web Cast and Teleconference Information:**

**MORNING SESSIONS** may be accessed via web cast only at [http://us.meeting-stream.com/CSM\\_100510](http://us.meeting-stream.com/CSM_100510)

**AFTERNOON SESSIONS** may be accessed via web cast at [http://us.meeting-stream.com/CSM\\_100510](http://us.meeting-stream.com/CSM_100510) or teleconference at (800) 837-1935; Conference ID # 10359376.

The audio for the web cast event will be streamed via your computer speakers.

Please test your connection prior to joining to ensure a successful user experience. Connection Test: <http://test.meeting-stream.com>

NOTE: If you wish to make a comment during the afternoon Listening Session you must participate through the teleconference line. You will not be able to make a comment over the web cast.

### **Directions & Facility:**

Directions & map of CMS Headquarters available at [www.cms.hhs.gov/CMSHeadquarters](http://www.cms.hhs.gov/CMSHeadquarters)

### **Security:**

This meeting will be held in a Federal government building; therefore, Federal security measures are applicable. In planning your arrival time, we recommend allowing additional time to clear security. The on-site check-in for visitors will begin at 7:30 a.m. E.D.T. **Please allow sufficient time to complete security checkpoints as many visitors will be arriving at the same time.**

Security measures include the following:

- Presentation of government-issued photographic identification to the Federal Protective Service or Guard Service personnel.
- Interior and exterior inspection of vehicles (this includes engine and trunk inspection) at the entrance to the grounds.
- Parking permits and instructions will be issued after the vehicle inspection.
- Passing through a metal detector and inspection of items brought into the building. We note that all items brought to CMS, whether personal or for the purpose of demonstration or to support a demonstration, are subject to inspection.

**Note: Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting.** The public may not enter the building earlier than 90 minutes prior to the convening of the meeting. All visitors must be escorted in areas other than the lower and first floor levels in the Central Building.