

May 6, 2013 New Jersey Health Care Regulatory Developments

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Here are the most recent health care related regulatory developments as published in the New Jersey Register on May 6, 2013:

- On May 6, 2013 at 45 N.J.R. 1080, the Department of Human Services published notice of its proposal of new rules which will govern the operations of the Medicaid Accountable Care Organization Demonstration Project.
- The proposed regulations set forth detailed requirements for the application process for approval of Medicaid ACOs in New Jersey.
- Applications must be submitted to the Department of Human Services within 60 days after the effective date of the regulations.
- The Department of Human Services will post ACO certification applications on its website and will provide a 30 day public comment period regarding each application.
- The regulations also provide that the ACO may negotiate and administer a gainsharing plan. The gainsharing plan must be submitted to the Department of Human Services, which will issue a written decision on the determination to approve or deny the approval of gainsharing plan.
- One of the goals contained in the regulations is the implementation of appropriate safeguards against conduct that may facilitate collusion among Medicaid ACO participants which would affect the commercial health care marketplace including, but not limited to, discussions among ACO participants about rates negotiated with commercial payors.
- The proposed regulations provide that the Demonstration Project will be evaluated annually by the Department of Human Services and the Department of Banking and Insurance to assess potential anticompetitive effects on commercial rates for clinical services in the ACO designated area. The evaluation can result in the termination of an ACO if information which is gathered concerning commercial rates in the designated area supports a conclusion that the ACO is causing rates to rise more quickly than they do in comparable markets that do not

have an ACO.

- ACOs will be required to select at least five quality improvement measures that each participating practice will use and will report on.
- ACOs will be required to provide for a complaint process regarding possible improper provider self-referrals or reductions or limitations of services by a participating ACO member.
- On May 6, 2013 at 45 N.J.R. 1139, the Department of Human Services published notice of its readoption of its rules governing payment for transportation services under Medicaid.
- On May 6, 2013 at 45 N.J.R. 1139, the Department of Human Services published notice of its readoption of its rules governing payment for podiatry services under Medicaid.
- On May 6, 2013 at 45 N.J.R. 1139, the Department of Human Services published notice of its readoption of its rules governing payment for home care services under Medicaid.

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