

February 2011

The draft regulations governing Accountable Care Organizations should be released very soon. Everyone will be watching for two key aspects:

Shared savings: The regulations will identify the formula by which shared savings from an ACO will be divided between the ACO and Medicare. This formula will help hospitals determine what kind of additional revenue an ACO could provide, and whether this revenue is worth the effort and the risk of establishing an ACO.

Market share: The regulations will determine how closely an ACO can control members that are not hospital employees, the level of control that an ACO will have over its members, and the degree to which ACOs will provide more flexible rules, as well as safe harbors, in relationship to the Stark law, anti-kickback statutes, the Civil Monetary Penalty, tax-exemptions and anti-trust regulations.

The devil will be in the details and your decision on whether to move forward with an ACO will be based on those details. This individual decision will need to be analyzed against your organization's capabilities, market position and goals. There's more about ACOs, and on complex fair market valuations, below.

See You at the American Health Lawyers Association Health Law Institutes!

DGA CEO Dan Grauman and Toby G. Singer, Esq. will be presenting "Strategic Decisions for ACOs and Their Antitrust Implications" at the American Health Lawyers Association - Hospital and Physician Law Institutes, Las Vegas, February 10th and 11th. The presentation will address:

- The top line strategic and financial implications of the ACO movement for providers
- How providers might integrate and consolidate for operational and financial success
- How to reconcile antitrust principles with the goals of ACOs when developing an antitrust-compliant program
- How to apply antitrust guidance from the federal enforcement agencies to multiprovider arrangements, including principles gleaned from the federal government's ACO workshop

DGA will also be exhibiting at the Institutes, February 9th - 11th, 2011. If you are planning to be there and would like to take the opportunity to speak with us, [please let us know](#).

[FOR ADDITIONAL DETAILS/TO REGISTER](#)

ACOs and Valuations at Pennsylvania Health Law Institute

DGA will have two speakers at the 17th Annual Health Law Institute of the Pennsylvania Bar Law Institute, on March 15th at the Pennsylvania Convention Center in Philadelphia.

Principal John Harris will be participating in a panel discussion, "Assessing Accountable Care Organization Opportunities and Risks," along with Thomas Tammany of Buchanan Ingersoll & Rooney, P.C., and Ed Shay and Mark Mattioli of Post & Schell, P.C.

Director Karin Chernoff Kaplan will be speaking on "The New Age of Complex Business Valuation - FMV," with Martin Durkin of Pietragallo Gordon Alfano Bosick & Raspanti, LLP.

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About DGA Partners

DGA Partners has been providing management consulting services to health care organizations since 1994. Our team averages 20 years experience in health care consulting and operations.

Let's talk about how we can help you.

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