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October 11, 2010

**TO:** CHA Members

**ROUTE TO:** Legal Counsel

**FROM:** Alyssa Keefe, Vice President, Federal Regulatory Affairs  
Jana Du Bois, Vice President, Legal Counsel

**SUBJECT:** FTC/CMS/OIG Workshop on ACOs

CHA participated in workshop held October 5 by the Federal Trade Commission (FTC), Centers for Medicare & Medicaid Services (CMS) and Department of Health and Human Services Office of Inspector General to discuss the implications of developing Accountable Care Organizations (ACOs) given existing antitrust, self-referral, anti-kickback and civil monetary penalty laws designed for traditional fee-for-service prospective payment systems. The agencies heard from industry and other interested parties about the intersection of existing laws and their impact on ACO development.

Comments received prior to the session, including those submitted by CHA, are posted at [www.ftc.gov/opp/workshops/aco/index.shtml](http://www.ftc.gov/opp/workshops/aco/index.shtml), along with biographical information on each of the panelists. FTC is accepting additional comments until October 19 via e-mail at [ACOLegalissues@cms.hhs.gov](mailto:ACOLegalissues@cms.hhs.gov). CMS is expected to release a proposed rule later this fall and FTC will make additional information available to coincide with the release.

A CHA summary of the workshop discussions is posted at [www.calhospital.org/aco-workshop](http://www.calhospital.org/aco-workshop). If you have any questions, please contact Alyssa Keefe at (202) 488-4688, or [akeefe@calhospital.org](mailto:akeefe@calhospital.org) or Jana Du Bois at (916) 552-7651 or [jdubois@calhospital.org](mailto:jdubois@calhospital.org).

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