Structuring and Auditing Physician Leases Under the New Stark Rules

Description: In this session Mr. Wolfe will provide an overview of the Stark Law, including its 2016 changes. He will also discuss best practices for negotiating and drafting leases on behalf of health systems, hospitals, medical groups and physician practices.

Last year, CMS finalized a number of significant changes to the Stark Law. Now that these changes have gone into effect, health care organizations should be monitoring and auditing their existing arrangements to ensure they are compliant with Stark's technical requirements and key tenets of defensibility (e.g., fair market value, commercial reasonableness, and not taking into account designated health service referrals) in case their physician arrangements are ever challenged.

The webinar will focus on regulatory requirements, key provisions, valuation considerations and potential pitfalls that should be avoided.

Objectives of the Presentation:

- Provide a general Stark Law overview
- Examine critical components of Stark compliant leases
- Discuss best practices for drafting leases and the related financial terms
- Describe best practices for auditing leases
- Review processes for documenting fair market value and commercial reasonableness
- Discuss best practices for auditing existing leases and potential pitfalls

Why Should you Attend?

As health care organizations and physicians develop lease arrangements, they must manage their compliance and enterprise risk by ensuring that their leases are defensible under the Stark Law.

Prior to moving forward with any leasing arrangement, the parties should carefully evaluate whether the proposed structure and financial terms support compliance with Stark's technical requirements and key tenets of defensibility so they will be prepared to mount a defense in the event the lease is ever challenged.

This webinar will focus on the Stark Law's underlying technical requirements and key tenets of defensibility as they apply to leasing arrangements.

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