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A Quick Look: How the New Stark Regulation May Affect Your Compliance Program

By Nina Youngstrom

The revised Stark regulation,^[1] which took effect Jan. 19, added and/or revised exceptions and definitions, which will have a ripple effect on some aspects of your compliance program, according to attorneys Ritu Kaur Cooper and James Junger, with Hall, Render, Killian, Heath & Lyman PC (see story, p. 1).^[2] A CMS spokesperson told RMC Feb. 5 that the effective date is, in fact, Jan. 19, despite questions raised by the Government Accountability Office (see briefs, p. 8).^[3] Contact Cooper at rcooper@hallrender.com and Junger at jjunger@hallrender.com.

Element	Likelihood That Stark/AKS Changes Will Affect This Element	Notes
Policies and Procedures	High	Review and revise policies and procedures and update them.
Compliance Officer and Committee	Low	
Training and Education	High	Train workforce on changes to law that impact updated organizational policies and procedures.
Open Lines of Communication	Low	
Auditing and Monitoring	High	Review and update auditing and monitoring tools.
Disciplinary Guidelines	Low	

Responding to Detected Offenses and Corrective Action	High	Utilize new rules to determine whether conduct violates the Stark Law and Anti-Kickback Statute (e.g., limited remuneration to a physician exception), as appropriate.
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How Will These Changes Affect a Compliance Program?

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