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AHLA Releases *White Paper on Stark Law*

WASHINGTON, DC, August 10, 2009 – The American Health Lawyers Association (AHLA) recently published a White Paper on Stark Law, which addresses the efficacy of the federal physician self-referral statute. The law was named after Congressman Pete Stark (D-CA) who sponsored the initial bill.

The paper's purpose is twofold: 1) to discuss the unintended consequences, challenges, and possible reforms of the law and 2) to prompt government consideration of alternative approaches to the regulation and enforcement of the law as part of the healthcare reform debate.

The Stark law prohibits a physician from referring Medicare patients for certain designated health services to an entity with which the physician has a financial relationship, unless an exception applies. Critics have called for reform of the statute, arguing that the law's complexity has bred confusion, decreased enforcement efficiency, and yielded unintended consequences. The statute and its enforcement will have a significant impact on cost containment and the current healthcare reform efforts.

The white paper was informed by AHLA's Convener on Stark Law where prominent Stark Law experts representing a spectrum of viewpoints discussed the efficacy of and the potential improvements to the law. The participants included in-house counsel, attorneys in private practice who work primarily with hospitals and/or physicians, lawyers who represent qui tam relators, academicians, and attorneys now in the private sector who were formerly involved in government service on behalf of both regulatory and enforcement agencies. Representatives from various federal agencies were also invited to observe and listen in on the discussions.

The *White Paper on Stark Law* is available for download at www.healthlawyers.org/StarkWhitePaper.

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