RESOLVED, That the American Bar Association urges Congress to amend the Ethics in Patients Referrals Act of 1989, Section 1877 of the Social Security Act, 42 U.S.C. § 1395nn (commonly known as the “Stark Law”), to make changes to (a) clarify the application of the Stark Law and (b) address concerns of physicians and other healthcare providers that new alternative payment and delivery models promoted by the Centers for Medicare & Medicaid Services and other payers may result in violations of the Stark Law;

FURTHER RESOLVED, That the American Bar Association urges Congress to amend the Stark Law to remove the statutory prohibition against payment for services furnished pursuant to a compensation arrangement that failed to meet an exception to the Stark Law solely due to non-compliance with technical requirements of the statute;

FURTHER RESOLVED, That the American Bar Association urges Congress to amend the Stark Law to clarify the requirement that compensation must be consistent with fair market value, and to provide that a valuation from a nationally recognized healthcare appraiser or valuation consultant shall create a rebuttable presumption of fair market value for purposes of the Stark Law;

FURTHER RESOLVED, That the American Bar Association urges Congress to amend the Stark Law to provide greater clarity and consistency in the application of the prohibition on compensation arrangements that vary with or take into account the volume or value of physician referrals; and

FURTHER RESOLVED, That the American Bar Association urges Congress to adopt a statutory exception under the Stark Law for compensation paid under an alternative payment arrangement meeting specified requirements in order to encourage the adoption of collaborative healthcare delivery models without concerns of violating the Stark Law.