

## Crowell & Moring Partner Troy Barsky Testifies Before Senate Finance Committee on Stark Law

**Washington, D.C. – July 12, 2016:** Crowell & Moring partner [Troy A. Barsky](#) testified today before the U.S. Senate Finance Committee as lawmakers heard options for how to improve and reform the Stark Law, which currently limits some types of physician referrals for Medicare and Medicaid patients.

Barsky is the former director of the Division of Technical Payment Policy at The Centers for Medicare & Medicaid Services (CMS), where he was responsible for Stark Law policy and other Medicare payment issues, including those related to the implementation and creation of new value-based payment models created by the Patient Protection and Affordable Care Act of 2010.

Barsky raised the following points in his testimony before Chairman Orrin Hatch (R-Utah) and the rest of the Committee:

- How the Stark Law is affecting the health care industry and how the law has strayed from its original purpose.
- What Congress can do to reform the law while still protecting patients and the Medicare program.
- The changing nature of the health care system and how the Stark Law should be reformed to facilitate new alternative payment models, including through the establishment of more expansive waivers and the removal of compensation-based prohibitions in the statute.

Barsky noted, “The Stark Law has evolved from the simple objective of removing certain financial incentives from medical decision-making into a tortured web of confusing standards, ambiguous and conflicting definitions, and volumes of regulations that require countless lawyers and valuation experts to ensure compliance.”

He added: “Making bright line rules that providers can follow and expanding CMS’s authority to provide guidance through advisory opinions will greatly assist providers in complying. Second, limit the consequences of purely technical violations of the Stark Law, and third, lower CMS’s heightened standard of “no program or patient abuse” for promulgating new regulatory exceptions to the general prohibition.”

His testimony also encouraged “a unified approach to the provision of fraud and abuse waivers for all Alternative Payment Models rather than the piece meal approach that is now developing” under the limited authority provided by the Affordable Care Act.

Barsky’s full testimony can be [found here](#).

Barsky focuses his practice on health care fraud and abuse as well as Medicare and Medicaid law and policy. He counsels all types of health care entities, including hospitals, group practices, and health plans on the physician self-referral law (Stark Law) and the Anti-Kickback Statute, innovative health care delivery models, such as Accountable Care Organizations (ACOs), and Medicare & Medicaid payment and coverage policy. Barsky also defends clients seeking resolution of government health care program overpayment issues or fraud and abuse matters through self-disclosures and negotiated settlements with the U.S. Department of Justice, U.S. Health & Human Services Office of the Inspector General and the Centers for Medicare & Medicaid Services (CMS).

Other scheduled witnesses were: Dr. Ronald A. Paulus, president and chief executive officer of Mission Health; and Peter Mancino, deputy general counsel of The Johns Hopkins Health System Corporation.



Crowell & Moring LLP is an international law firm with approximately 500 lawyers representing clients in litigation and arbitration, regulatory, and transactional matters. The firm is internationally recognized for its representation of Fortune 500 companies in high-stakes litigation, as well as its ongoing commitment to *pro bono* service and diversity. The firm has offices in Washington, DC, New York, Los Angeles, San Francisco, Orange County, Anchorage, London, and Brussels.

**Contact:**     **An Pham**  
Senior Communications Manager  
+1 202.508.8740  
[apham@crowell.com](mailto:apham@crowell.com)