

Federal Trade Commission/Department of Justice ACO Working Group

Summary of Activities Following Issuance of the Statement of Antitrust Enforcement Policy Regarding Accountable Care Organizations Participating in the Medicare Shared Savings Program

The Federal Trade Commission and Department of Justice (the Antitrust Agencies) issued the Statement of Antitrust Enforcement Policy Regarding Accountable Care Organizations (ACOs) Participating in the Medicare Shared Savings Program (the Policy Statement) in October 2011.¹ The Policy Statement is intended to ensure that health care providers have the antitrust clarity and guidance needed to form procompetitive ACOs that participate in both Medicare and commercial markets.

The Policy Statement established the Federal Trade Commission/Department of Justice ACO Working Group (the ACO Working Group)

has made all 33 questions and responses publicly available at <http://www.ftc.gov/bc/healthcare/aco/aco.htm> and http://www.justice.gov/atr/public/health_care/295587.pdf.

The largest category of questions related to obtaining and using Medicare and other data to calculate PSA shares (14 questions). The next largest category of questions related to the steps involved in calculating PSA shares (11 questions). The remaining questions related to the procedures for obtaining voluntary review (3 questions) ahe