

Health Care Law After the Patient Protection and Affordable Care Act

A F O R E W O R D

By Monica P. Navarro and Donna A. O'Connor

Modern health care is a three-legged stool resting on cost, access, and quality, all of which have been redefined through the passage of the Patient Protection and Affordable Care Act (PPACA) in 2010. Though PPACA is likely to be modified to reflect political and constitutional challenges to portions of the act, the fundamental changes to health care are here to stay. Indeed, PPACA's transformative structural changes to the health care industry are well under way and will continue to surge ahead.

In a nutshell, PPACA expands access to health care through regulation of the private insurance market and expansion of public insurance programs to provide coverage for many uninsured individuals. In so doing, PPACA increases federalization of health insurance laws and enforcement. Further, PPACA sets out to contain costs while promoting quality through measures encouraging preventive care and clinical integration among diverse providers. Accountable care organizations and medical homes are key elements to better patient choices and cost-containment results. Finally, PPACA promotes accountability and additional cost containment through outcomes-based payment systems, shared savings, and bundled payments, together with strong anti-fraud detection and enforcement measures. In sum, PPACA, often viewed as merely insurance reform, actually touches all aspects of health care law as it seeks to reduce the current runaway costs and fragmentation in health care.

In addition to PPACA, there have been developments in all areas of health care law, including privacy and security, federal anti-kickback, and reporting of health care quality actions against professionals. Many other state and federal laws have been enacted or amended.

It is impossible to cover all these topics, including the historic PPACA changes, in one issue of the *Michigan Bar Journal*. Nonetheless, we selected articles for this issue that will give the audience a flavor of the breadth of issues representative of the legal landscape in the health care industry today. We are certain that the articles will raise as many questions as they answer, but then again, health care in general and PPACA in particular will be topics of discussion for many years to come and will fill many volumes in the annals of health law history. We think of this issue as a generous appetizer rather than the main course and hope you will leave hungry enough to come back for more. ■



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