

Trends & Innovations in Managed Care

Recent Developments at the Federal and State Levels Driving Change

Tricia A. Asaro, Co-Chair, Health Care & FDA

Sheryl Tatar Dacso, Senior Counsel, Dr.P.H., Health Care & FDA

APRIL 18, 2024

1

GT

GT**LAW**.COM

Introduction

- Landscape for payors is in constant flux
 - Policy changes
 - Technological advances
 - Societal shifts
 - Upward pressure on costs and downward pressure on revenue
- Today we will provide an overview of some of the hot topics and emerging trends that will shape the managed care industry in 2024, impacting payors, providers, insureds, and employers

2

2

Issues for Consideration

- Increased use of AI by plans and providers
- Expanded regulation of managed care in mental health parity
- Antitrust trends in health care arrangements
- Managed Medicare and Medicaid – Post PHE
- 340B
- Coverage of new drugs
- Self-funded plans and new liability under the Consolidated Appropriations Act
- Payer/Payer and Payer/Provider transactions

3

GT

GT[®]LAW.COM

Current Coverage Trends

- Overview of enrollment
 - Marketplace based coverage
 - Enrollment has exceeded 21 million for the 2024 plan year
 - Self-insurance
 - Medicaid Managed Care
 - Impact of PHE unwind: more than 14.4 million Americans have lost Medicaid coverage
 - Medicare Advantage
 - Now covers more than half of the Medicare population

3

4

GT

Transactions

- Payor-provider integration
 - Payors will continue to build networks and clinic
 - Payors will continue to acquire providers
- Antitrust scrutiny
 - HSR pre-merger review
 - FTC has signaled increased scrutiny of health care transactions

5

5

GT

Transactions (cont'd)

- Antitrust scrutiny (cont'd)
 - Increased state regulatory scrutiny for transactions
 - Pre-merger notification requirements
 - As of January 1, 2024, 13 states have adopted requirements that allow state AGs (or other state agencies) to review health care transactions in advance
- Private equity ownership of payors
 - Both state and federal lawmakers and regulators continue to scrutinize private equity ownership of payors

6

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Trends and Innovations in Managed Care and Healthcare Delivery

First appeared as part of the conference materials for the
35th Annual Health Law Conference session

"Trends and Innovations in Managed Care and Healthcare Delivery"