

# 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

REDEFINED.  
BY LAW.

1

## 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

# 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

## 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  
35<sup>th</sup> Annual Health Law Conference session

"Trends and Innovations in Managed Care and Healthcare Delivery"