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*Bottoms Up: A Toast to the Success of Health Care Collaboratives . . . What Can We Learn?*

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Abstract by Nancy Phillips

This Article examines innovative solutions to problems posed by the administrative state's amassed power in the federal government through a study of Health Insurance Portability and Accountability Act of 1996 (HIPAA) collaboratives. The Department of Health and Human Services promulgated rules governing health care administration pursuant to its delegated authority to implement HIPAA. However, as is often the problem with governance through federal regulations, the HIPAA rules are out of touch with local issues, do not allow for feedback from affected parties, and may not accommodate rapid change in the industry. HIPAA collaboratives are local private networks that emerged in response to these problems. They are designed to comply with HIPAA and offer novel solutions to problems that exist despite HIPAA's regulations, and they serve as an effective model of non-traditional governance that may be applied to other industries.

Part I explores HIPAA collaboratives and their role within the HIPAA legislative scheme. Part II discusses the development of the administrative state after the New Deal and the resulting problems of federally concentrated power. Part III discusses solutions proposed to remedy this problem, including democratic experimentalism and other regulatory systems that hinge upon public and private cooperation. Part IV discusses how the HIPAA collaboratives serve as an effective regulatory model founded upon public and private cooperation. This Article concludes by examining why HIPAA collaboratives have been so successful, and proposes other potential arenas where a similar system would improve upon the traditional federal regulatory scheme.