

New Year's Resolution

Prepping for ACO REACH Model Compliance in PY24





Housekeeping

- Speakers will present for approximately 45 minutes
- Q&A will take the remainder of time
- Webinar is being recorded
- Slides and recording will be available on the NAACOS website within 24 hours.

Kimberly Busenbark

- After beginning her career in Medicare Advantage compliance, Kimberly began working with ACOs during the first wave of the Medicare Shared Savings Program and spent the first three years of the program as the ACO Compliance Officer for Collaborative Health Systems' 35 Shared Savings Program ACOs. During this time, she was responsible for the implementation and oversight of the compliance program for each of the ACOs. Kimberly started Wilems Resource Group in 2015. Since then, WRG has continued to grow, and has helped ACOs across the country remain compliant and be successful within CMS value-based models and programs.
- Kimberly is a graduate of Texas A&M University, where she received a Bachelor's of Business Administration in Marketing and Management, and of The University of Houston Law Center, where she received her Juris Doctorate before being admitted to the State Bar of Texas.
- **Email: kwilems@wilemsrg.com**



Questions & Answers



- To ask a question:
 - To submit a written questions, you can write in the Questions tab on your dashboard at any time.
 - To ask a live question, you can use the “raise hand” feature on your dashboard. Please make sure you are dialed in on a telephone and have connected using the audio pin so that we can unmute your line. Your name will be called when it is your turn to ask a question.

How to Survive a Virtual Compliance Session

- Find your comfy pants and refill your coffee
- Put your favorite show on in the background, be sure to mute your mic
- Laugh if Kimberly makes a joke, be sure to unmute your mic
- Please ask questions or make comments
- Doodle on your checklist
- **Help us! Join the discussion!**

BEFORE



AFTER



ACO REACH Model Compliance Program Requirements

REACH ACOs are required to have a Compliance Program containing the following 5 elements:



Element 1: Compliance Official

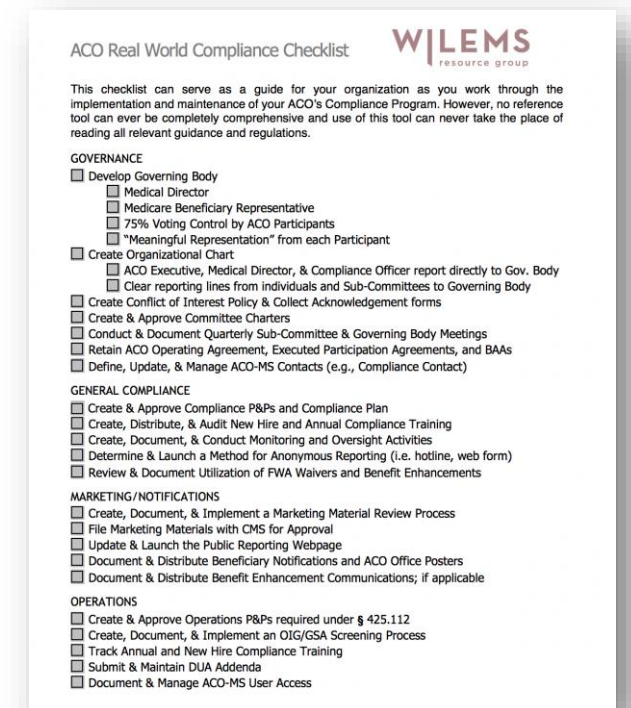
- Compliance Officer may be an attorney, but may not be legal counsel to the ACO
 - Third Party vs In-House (and everything in between)
- Reporting Structure matters
 - Compliance Officer must have a dotted line to Governing Body
 - 'Regular reporting'
- Level of Integration with Operations
- Enforcement vs. Police Force
- Top-Down Support
 - Governing Body
 - Executive and Medical Director



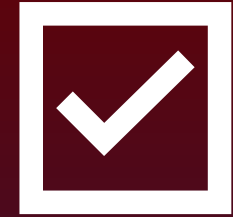
Element 2: Mechanisms for Identifying Issues

CHECK COMPLIANCE BOXES

- Creation of a Formal Compliance Plan
- Adoption of Compliance and Operations Policies & Procedures
- Effective Annual Compliance Training for Related Individuals
- Anonymous Reporting – Hotline or Online Tool
- Data Use Requirements
- Marketing Material Compliance
- Development of a Monitoring and Oversight Program
- Annual Reviews and Updates



Review of Compliance Documents



- ❑ Compliance Plan – Summary Document approved by Governing Body Annually
 - ❑ Committee Charters
 - ❑ Data Use Documentation
 - ❑ Compliance Work Plan – deliverables and due dates
 - ❑ Compliance Monitoring Plan – detailed plan for the ACO’s Monitoring Program
- ❑ Policies & Procedures – Detailed documents demonstrating compliance with each required element
 - Key Policy Updates for PY24:
 - Privacy & FWA Reporting Requirements
 - Additional details around CAHPS Survey Process
 - Addition of “accrued interest” language and ACO requirements to replenish its financial guarantee

Building a PY24 Monitoring Program



- Beneficiary Notification & SVA Processes
- Governance & Leadership Requirements
- Beneficiary Communications & Follow-Up
- Compliance with Policies & Procedures
- Compliance Training
- Data Compliance
- Marketing Material Compliance
- Public Reporting
- Waiver Usage
- BE/BEI Usage
- Testing Anonymous Reporting Tool
- CEHRT Usage

Element 3: Compliance Training



❑ Who?

- ACO, ACO Participants and Preferred Providers
- "ACO" would normally cover employees and directors of the entity. Most ACOs do not have employees, so who should be trained?
- "ACO Related Individuals" those individuals or entities providing functions or services related to ACO activities.

❑ What?

- HIPAA and FWA
- ACO Specific Content: ACO Compliance Program, Marketing, Voluntary Alignment, Waivers, Benefit Enhancements, ACO Data Requirements

❑ When?

- "Effective training" - Upon hire or contracting and annually thereafter

❑ Where?

- In-person and online are most common, but not the only options
- Documentation is key

Element 4: Anonymous Reporting

- ❑ Determine Method
 - Hotline or online tool are most common
 - Caution: hotline shared across multiple lines of business
- ❑ Determine Availability
- ❑ Determine How to Communicate
 - Beneficiary outreach
 - New hire and annual training
 - Compliance Plan
 - ACO Website



Element 5: Reporting to Law Enforcement

The ACO must have an “obligation to report ***probable violations of law*** to an appropriate law enforcement agency”

- Determine who will be responsible for determining whether a report should be made
- Determine course of action if legal and compliance disagree
- Determine how to communicate this requirement to ACO-Related Individuals
 - New hire and annual training
 - Compliance Plan
 - Newsletters

Red Flags for 2024

- Governance & Leadership
- Voluntary Alignment
- Written Arrangements
- CEHRT Usage

Governance Audits



- In 2023, CMS Requested:
 - ✓ Copy of Governing Body Documents (e.g., Article of Incorporation)
 - ✓ Evidence that the Governing Body adopted a process for documenting composition, meetings and decisions as well as documentation requirements
 - ✓ Compliance Plan
 - ✓ Conflict of Interest Policy
 - ✓ Governing Body Members, roles, voting percentages and whether they have a Conflict of Interest (COI)
 - Did **not** request completed COI Forms
- In 2024, CMS added requests for:
 - ✓ Minutes showing reporting by Compliance Official to Governing Body
 - ✓ Evidence that the Governing Body has authority for appointment and removal of the ACO Executive.



Voluntary Alignment Audit

- Updated SVA Guidance Released in February 14th ACO REACH Newsletter
 - ✓ SVA Form must list a Participant Provider
 - Cannot use a clinic or practice name unless that TIN/oNPI is listed on the ACO Participant List
 - This name must match the name listed on the SVA List Template
- CMS Requested:
 - ✓ Completed Forms for a Sample of Beneficiaries (between 8 and 60)
 - ✓ Template Materials used
 - ✓ Marketing Plan
 - ✓ VA Policies, Scripts & Training Materials
 - ✓ Documentation of Beneficiary Complaints related to PVA
 - ✓ Documentation of Oral Communications with Beneficiaries related to a change in VA
 - ✓ Compliance Plan
 - ✓ Compliance Training
 - ✓ Roster of Beneficiaries aligned through PVA

CEHRT Usage

- CMS has increased oversight of CEHRT Usage in REACH and regulatory updates require reporting of Participants who meet the MIPS Interoperability Standard beginning in PY25.
- How to Monitor – Request Screenshots of:
 - ✓ Product and Version Number in Use
 - ✓ Provider Name shown in system (select sample from provider/supplier list)
 - Tie in with Roster Management Oversight
 - ✓ The product ONC Number which can be found here: <https://chpl.healthit.gov/#/search>

Feeling Overwhelmed?

There are several resources available to help you navigate compliance.

- ❑ **NAACOs Compliance Manual:** template policies & procedures covering requirements specific to the Shared Savings Program
- ❑ **CMS Communications**
 - Spotlights are a great way to avoid missing deadlines and identifying holes in P&Ps
 - Utilize your CMS
 - FAQs and other communications – usually released in the Spotlights/Newsletters
- ❑ **NAACOS Online Library**



- ❑ **Wilems Resource Group:**
 - Free resources online at wilemsrg.com
 - Quarterly newsletter
 - LinkedIn

Final Comments

The webinar recording and slides will be available at <https://www.naacos.com/on-demand-webinars> within 24-hours. THANK YOU!

Kimberly is ready to answer your questions!



Disclaimer: This is not Kimberly Busenbark of Wilems Resource Group. This is Leslie Knope of Parks & Rec who we like to believe was speaking about compliance when she eloquently said, “one person’s annoying is another’s inspiring and heroic”.

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