



June 25, 2019

Ms. Seema Verma  
Administrator  
Centers for Medicare & Medicaid Services  
U.S. Department of Health and Human Services  
Hubert H. Humphrey Building  
200 Independence Avenue, S.W.  
Washington, DC 20201

Re: Request to Delay New Beneficiary Notification Requirements

Dear Administrator Verma:

The National Association of ACOs (NAACOS) appreciates the opportunity to alert you to an important issue affecting ACOs. As you are aware, as a result of the Pathways to Success rule, ACOs will need to implement new beneficiary notification requirements effective July 1, 2019. As of today, CMS has not yet issued any guidance to ACOs on these new requirements. **Given the fact that no notification language or guidance has been shared as of late June, we request CMS delay the effective date of the beneficiary notification changes to January 1, 2020.**

Beneficiary notifications were required as part of the Medicare Shared Savings Program (MSSP) in the early years of the program. These notifications required extra staff time to change operational processes to incorporate the notification and additional clinical staff time explaining the intent of the notification to patients. Due to the administrative burdens and operational complexity caused by the notifications, CMS later reversed this policy and removed the notification requirement. Since then, CMS has reintroduced the requirement with new specifications per the Pathways to Success rule. The agency has not shared any guidance regarding what the notification will include and when and how ACOs will comply with this new regulatory requirement.

In the ACO Spotlight Issue 22, CMS noted they would be sharing new Marketing Guidance with ACOs, including the details surrounding the new beneficiary notification requirement. It is now late June and no such guidance has been shared with ACOs, while the effective date remains July 1, 2019. This is untenable and due to the lack of guidance from CMS, we urge the agency delay the effective date of the new notification requirements to January 1, 2020 to provide ACOs with sufficient time to comply. As you know, ACOs will need to provide the notification to beneficiaries again in 2020 and delaying the effective date of the requirement will be less confusing to patients who will receive the same notification just six months later.

Finally, CMS notes in the Pathways to Success rule that they will work with ACOs to obtain input and feedback on the notification language to be used to comply with this new requirement. To date, we are unaware of such efforts taking place and recommend CMS obtain ACO feedback on what would be most helpful to patients to avoid confusion among beneficiaries receiving the notifications. We thank you for your attention to this matter and we look forward to working with CMS to ensure the notifications are practical, reasonable and informative to patients.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clif Gaus', with a long horizontal flourish extending to the right.

Clif Gaus, Sc.D.  
President and CEO  
National Association of ACOs