

ACCOUNTABLE CARE ORGANIZATION SPOTLIGHT NEWSLETTER

September 18, 2020 | ISSUE 19

AT A GLANCE

UPCOMING DEADLINES

- **RFI-2 Response: September 22nd at 12:00 p.m. ET**
- **Final Repayment Mechanism Documentation: September 23rd**
- **Beneficiaries Selecting a Primary Clinician: September 30th**
- **Submit Comments on the CY 2021 Proposed Rule: October 5th at 5:00 p.m. ET**
- **Update Public Reporting Webpage: October 14th**

ISSUE HIGHLIGHTS

- **30 Days' Advance Notice Required for Voluntary Termination**

EVENT ANNOUNCEMENTS

- **Fall 2020 Virtual Learning Collaboratives**

Not for Public Dissemination: The ACO Spotlight Newsletter is a biweekly publication by CMS for ACOs participating in the Shared Savings Program. It is distributed by email only to ACO contacts listed in CMS' ACO-MS. This newsletter is not intended to establish CMS policy and is for informational purposes only for the sole use of the individual(s) to whom it is addressed, and individuals associated with their ACO. The newsletter is not intended for public release. The ACO Spotlight Newsletter is published, produced, and disseminated at U.S. taxpayer expense. If you have received this in error, please notify the sender immediately by emailing SharedSavingsProgram@cms.hhs.gov.

PROGRAM HIGHLIGHTS

Last Opportunity to Make Changes and Correct Deficiencies for PY 2021: Response Due September 22nd at 12:00 p.m. (noon) ET

CMS issued the second request for information (RFI-2) on Tuesday, September 15, 2020, and ACOs may take the following actions listed below by Tuesday, September 22, 2020, at 12:00 p.m. (noon) Eastern Time (ET). Please note that this deadline is the final opportunity for ACOs to take the following actions for Performance Year (PY) 2021:

- Correct deficiencies identified by CMS.
- "Freeze" or maintain their BASIC track's glide path participation level at the same level of the BASIC track's glide path that it entered for PY 2020.
- Voluntarily elect to extend its existing agreement period for an optional fourth performance year for an ACO whose ACO Participation Agreement is scheduled to end December 31, 2020.
- Apply for a Skilled Nursing Facility (SNF) 3-Day Rule Waiver and/or establish and operate a Beneficiary Incentive Program (BIP) (refer to the [Application Types & Timeline webpage](#) for sample applications).
- Submit change requests to add/edit ACO participants and SNF affiliates for PY 2021.*
- Delete current ACO participants and/or SNF affiliates.
- Change its selection of beneficiary assignment methodology.*
- Choose to move to a two-sided risk level (Level C, D, or E) of the BASIC track's glide path by submitting a Participation Options change request to select the desired level of the BASIC track and a minimum savings rate (MSR)/ minimum loss rate (MLR) that will apply for the remainder of the ACO's agreement period. Additionally, when moving to a two-sided risk level, the [ACO Management System](#) (ACO-MS) will automatically create a task for the ACO to submit draft repayment mechanism documentation. Reference the "Final Repayment Mechanism Amount Change Request Submissions for PY 2021" article in this issue for more information.*

***Note:** If your ACO no longer wants to make the change, and CMS has not yet issued a disposition, you can withdraw the change request in the Active Pending Disposition subtab of ACO-MS.

For further information on the actions available to currently participating ACOs, refer to the *Change Request Cycle for Performance Year Beginning on January 1, 2021*

schedule, which can be found in the Program Operational Schedules section of the Knowledge Library tab in ACO-MS. The schedule outlines the deadline dates applicable to the change request cycle. Please note that all dates are subject to change.

Additional Resources

Additional resources can be found on the [Program Guidance & Specifications webpage](#), including the updated [ACO Participant List and Participant Agreement Guidance](#), [Repayment Mechanism Arrangements Guidance](#), [Skilled Nursing Facility 3-Day Rule Waiver Guidance](#), and [Beneficiary Incentive Program Guidance](#). Refer to the *Overview of Participation Options in ACO-MS* tip sheet, which can be found in the Program Resources section of the Knowledge Library tab in ACO-MS.

Final Repayment Mechanism Amount Change Request Submissions for PY 2021

CMS issued final repayment mechanism amounts on September 16, 2020, for ACOs that did not have an existing repayment mechanism and plan to move into two-sided risk (Level C, D, or E of the BASIC track) for PY 2021. ACOs will be able to review their repayment mechanism amount during the change request cycle in [ACO-MS](#) by selecting their ACO from the My ACOs tab and selecting the Application Cycle subtab, or by accessing the *Participation Options Report* available in the Reporting tab. All repayment mechanisms should be fully funded and executed by ACOs and the issuing entity by **September 23, 2020**.

If an ACO that currently does not have an existing repayment mechanism submits ACO Participant List additions or deletions during the RFI-2 response period, the ACO has two options when providing fully executed repayment mechanism documentation:

1. ACOs can use the repayment mechanism amount provided with RFI-2 on September 16, 2020, to finalize and submit the repayment mechanism documentation to CMS by September 23, 2020. The repayment mechanism amount may change from the amount CMS provides at RFI-2, if one of the following conditions occurs to the repayment mechanism amount calculated and provided at Final Disposition on October 20, 2020:
 - The repayment mechanism amount calculated increases by an amount equal to or greater than 50 percent or \$1,000,000, whichever is the lesser value. In this case, the ACO will be required to increase the repayment mechanism amount by October 27, 2020.
 - The repayment mechanism amount calculated decreases by any amount. In this case, the ACO will have the opportunity, if it so chooses, to decrease the repayment mechanism amount at any time before or after Annual Certification.
2. If the ACO chooses to not use the RFI-2 repayment mechanism amount, ACOs can finalize the repayment mechanism documentation after receiving the final repayment mechanism amount with Final Disposition on October 20, 2020. In this case, ACOs will be required to submit the final repayment mechanism documentation to CMS by October 27, 2020.

CMS will notify ACOs and provide additional instruction if the ACO Participant List changes made during RFI-2 impact the repayment mechanism amount. CMS strongly encourages ACOs to submit draft repayment mechanism documentation via ACO-MS for review in advance of the deadlines.

As a reminder: For ACOs with agreement periods beginning on or after July 1, 2019, and Track 1+ Model ACOs, CMS recalculates the ACO's repayment mechanism amount before the second and each subsequent performance year in the agreement period based on the certified ACO Participant List for the relevant performance year. CMS will determine if the recalculated repayment mechanism amount exceeds the existing repayment mechanism amount by at least 50 percent or \$1,000,000, whichever is the lesser value. If applicable, CMS will notify the ACO in writing after Annual Certification is completed that the amount of its repayment mechanism must be increased to the recalculated repayment mechanism amount.

For more information on the repayment mechanism requirement, review the [Repayment Mechanism Arrangements Guidance](#). If you have any questions, email SharedSavingsProgram@cms.hhs.gov and include your ACO ID and the phrase "Repayment Mechanism" in the Subject line.

30 Days' Advance Notice Required for Voluntary Termination

As a reminder, an ACO must provide **at least 30 days'** advance written notice to CMS and to its ACO participants of its decision to terminate its Shared Savings Program agreement and the effective date of its termination.

ACOs must submit a termination request on or before December 1st to choose a termination effective date on or before December 30th. Most ACOs that choose a termination date on or before December 30th are not financially reconciled for purposes of determining shared savings. However, ACOs in a two-sided track/level that choose a termination date on or before December 30th are financially reconciled and may be liable for a pro-rated share of any determined shared losses. ACOs that choose a termination date of December 31st are financially reconciled. Therefore, they will qualify to receive shared savings or be liable for shared losses if applicable.

Please note the Health and Human Services Secretary's declaration of the coronavirus disease 2019 (COVID-19) Public Health Emergency (PHE) in January 2020 triggered the Medicare Shared Savings Program's Extreme and Uncontrollable Circumstances Policy. The extreme and uncontrollable circumstance of the COVID-19 PHE will apply nationwide for the duration of the PHE for the COVID-19 pandemic, and the PHE is currently in place through October 23, 2020. Shared losses will be mitigated for all ACOs participating in a performance-based risk track, including: Track 2, the ENHANCED track, the BASIC track, levels C through E, and the Track 1+ Model, based on the length of the PHE. For example, if the PHE is in effect for 10 months (January through October 2020) any shared losses an ACO incurs for PY 2020 will be reduced by at least 83.33 percent (for 10 of the 12 months). If the PHE covers the full year (January through December 2020), any shared losses an ACO incurs for PY 2020 would be reduced completely, and the ACO would not owe any shared losses.

In order to notify CMS of its intent to voluntarily terminate, the ACO Executive or Authorized to Sign contacts (primary or secondary) must submit a voluntary termination request in [ACO-MS](#). For step-by-step instructions, review the *Submitting a Voluntary Termination Notice* tip sheet, found in the Program Resources section of the Knowledge Library tab in ACO-MS.

For additional information, review the program regulations on termination of the ACO Participation Agreement by the ACO ([CFR § 425.220](#)) and close-out procedures and payment consequences of early termination ([CFR § 425.221](#)), or contact the Shared Savings Program mailbox at SharedSavingsProgram@cms.hhs.gov. Include your ACO ID and copy your CMS coordinator on any correspondence.

Reminder: CY 2021 Medicare Physician Fee Schedule Notice of Proposed Rulemaking Comment Period Closes October 5th at 5:00 p.m. ET

On August 4, 2020, CMS issued the [Calendar Year \(CY\) 2021 Medicare Physician Fee Schedule \(PFS\) Notice of Proposed Rulemaking \(NPRM\)](#). This proposed rule announces and solicits public comments on proposed policy changes for Medicare payments under the PFS, and other Medicare Part B issues, on or after January 1, 2021. The proposed rule includes proposals for the Shared Savings Program and proposed policies for Year 5 (2021) of the Quality Payment Program (QPP).

As a reminder, CMS encourages ACOs to review and submit comments on the proposed rule by the **October 5, 2020, 5:00 p.m. ET** deadline. Official comments must be submitted in one of the following ways:

- Electronically, through [Regulations.gov](#);
- Regular mail; or
- Express or overnight mail.

For more information, refer to the following resources:

- PFS Fact Sheet: [Proposed Policy, Payment, and Quality Provisions Changes to the Medicare Physician Fee Schedule for Calendar Year 2021](#)
- QPP Fact Sheet: [2021 Quality Payment Program Proposed Rule Overview Fact Sheet](#)
- Press Release: [Trump Administration Proposes to Expand Telehealth Benefits Permanently for Medicare Beneficiaries Beyond the COVID-19 Public Health Emergency and Advances Access to Care in Rural Areas](#)
- Proposed Rule: [CY 2021 PFS](#)

RESOURCES NOW AVAILABLE

UNEMBARGOED 2019 Financial and Quality Performance Results Released

CMS delivered the UNEMBARGOED PY 2019 and/or PY 2019A *Financial Reconciliation Settlement* and *Quality Performance* reports to ACOs on September 14, 2020.

CMS announced the results through a Health Affairs blog entitled “[2019 Medicare Shared Savings Program ACO Performance: Lower Costs And Promising Results Under ‘Pathways To Success’](#).” To view the complete performance results, refer to [PY 2019 Performance Results](#) and [PY 2019A Performance Results Public Use Files \(PUFs\)](#). CMS plans to update these files to include additional ACO-specific expenditure and utilization data the week of September 28th.

Any public statements by your ACO regarding results must be complete, accurate, and not misleading. ACOs do not need to submit their press releases to CMS for review and approval.

CMS will begin processing shared savings payments the last week in September, and it generally takes up to 48 hours for the payments to be received by your financial institution. If your ACO owes losses, a demand letter will be included in your zip file.

Please look for zip files in your Managed File Transfer (MFT) mailbox named according to the following convention: “P.Axxxx.ACO.STLMT.” If accessing the file through your MFT mailbox, save the file and append “.zip” to the end of the file name to open the zip file and its contents. This file will be available in the MFT mailbox for 100 days from the delivery date and through the [SSP ACO Portal](#) indefinitely.

Updated Public Reporting Template: Now Available

ACOs participating in the Shared Savings Program are required to publicly report ACO organizational information and performance results on a designated webpage, per [42 CFR § 425.308](#). ACOs receiving unembargoed PY 2019 and/or PY 2019A *Financial Reconciliation Settlement* and *Quality Performance* reports must update their public reporting webpage with this information. The deadline to update your ACO’s public reporting webpage is **Wednesday, October 14, 2020**.

ACOs updating their public reporting webpage must use the updated Public Reporting Template, posted to [ACO-MS](#) on September 14, 2020. It is available in the Program Resources section of the Knowledge Library tab in ACO-MS and includes instructions on how to populate the template and the location of where some of your ACO-specific information can be found.

ACOs now only need to include the section on Payment Rule Waivers if they are approved to use the SNF 3-Day Rule Waiver and/or provide telehealth services for the current performance year.

Please reference § 425.308 for additional details on public reporting requirements. All ACOs must update their public reporting webpage during the performance year when changes occur. In addition, ACOs should make corresponding updates in ACO-MS.

Quarter 2 Opioid Utilization Reports Delivered on September 15th

CMS released the informational-only *2020 Quarter 2 Opioid Utilization Report* package on September 15, 2020. The report package was delivered to your ACO as a zip file that includes a cover notice and the opioid report. The report is accessible through your ACO’s MFT mailbox and through the [SSP ACO Portal](#). The download is entitled *Quarterly Claims-Based Quality Measure Report*.

The zip file is named with the following convention: “P.Axxxx.ACO.QQR.” If accessing the file through your MFT mailbox, save the file and append “.zip” to the end of the file name to open the zip file and its contents. This file will be available in the MFT mailbox for 100 days from the delivery date, and through the SSP ACO Portal indefinitely.

For additional assistance, the informational [Opioid Utilization Report Overview](#) video is available to help review the contents of the quarterly *Opioid Utilization Report* and details of the four opioid utilization measures.

September CCLF Files

September Claim and Claim Line Feed (CCLF) files were issued to ACOs on September 15th for the PY 2020 assignable or prospectively assigned beneficiaries. These files will be available in the ACO's MFT mailbox for 100 days after the delivery date.

The September delivery timeline for the CCLF and Exclusion files are as follows:

FILE	DELIVERY	NAMING CONVENTION
Monthly Exclusion Files	September 11 th	P.A****.BNEX.Y**.Dyymmdd.Thhmsst
CCLF Files	September 15 th	P.A****.ACO.ZCY**.Dyymmdd.Thhmsst

ACOs should refer to the *CCLF Information Packet (IP)*, *V28* and *ACO and ACO-OS Data Exchange User Guide (DEUG)*, *V10* for additional information on the CCLF and Exclusion files.

The CCLF IP and the DEUG are available in the Program Resources section of the Knowledge Library tab in [ACO-MS](#).

For technical assistance, contact the ACO Information Center at SharedSavingsProgram@cms.hhs.gov or 1-888-734-6433 (Option 1).

SSP ACO Portal Enhanced Reports: Expect Refreshed Data for EXPU and ASR Reports Reflecting PY 2020 Q2

During the week of September 21, 2020, ACOs can expect to gain access to their PY 2020 Quarter 2 (Q2) Expenditure Utilization and Assignment Summary data within the [SSP ACO Portal](#) Enhanced Reports section. This release adds the Q2 report data for PY 2020 to three enhanced reports in the SSP ACO Portal for ACOs: *Assignment Summary Report, Trends for Tables 2-4 and 2-5; Expenditure/Utilization (EXPU) Report, All ACO Distributions Graphs; Expenditure/Utilization Report, Trends, Graphs, and Drill Down for Table 1*.

- **Assignment Summary Report, Trends for Tables 2-4 and 2-5** provides tables that summarize the demographic and eligibility characteristics of your ACO's assigned beneficiaries and provides counts and percentages of beneficiaries by classification for a selected reporting period (Table 2-4). It also provides the county distribution of the ACO's beneficiary population (Table 2-5). You can compare data directly from several reporting periods in the same table.
- **Expenditure/Utilization Report, All ACO Distributions Graphs** displays a set of bar charts showing the distribution of values for selected measures across all ACOs with the same assignment methodology for a specified performance period. The bar representing your ACO is the only solid bar, so you can see how your ACO ranks for each measure among similar ACOs.
- **Expenditure/Utilization Report, Trends, Graphs, and Drill Down for Table 1** is based on information in the static *Aggregate Expenditure/Utilization Report* and compares your ACO's expenditures and utilization against the all-ACO median and the national fee-for-service (FFS) population. It reveals trends by allowing direct comparisons for selected annual or quarterly periods. Through this report, you can also generate optional line graphs for measures that you select.

Additionally, during the week of September 28, 2020, ACOs can expect to gain access to the aggregate EXPU beneficiary drill down data associated with the Q2 EXPU report for PY 2020. This data can be accessed through the Enhanced Reports section of the SSP ACO Portal, in the *Expenditure Utilization Report, Trends, Graphs, and Drill Down for Table 1* enhanced report. This report allows drill down to beneficiary level person years, total expenditures, and health service utilization aggregate measures seen on the EXPU report.

EVENT ANNOUNCEMENTS

Registration for Fall 2020 Virtual Learning Collaboratives

This fall, CMS will host a series of region-specific virtual learning collaboratives (VLCs) for all ACOs and End-Stage Renal Disease (ESRD) Seamless Care Organizations (ESCOs) participating in the Shared Savings Program, the Next Generation ACO (NGACO) Model, and the Comprehensive ESRD Care (CEC) Model. Meetings for each [CMS region](#) began in July and will continue through November. Use the links in the table below to register for the VLC meeting in your region.

Who should attend?

ACO staff who work on quality and performance improvement initiatives may be most interested in attending. VLCs will feature presentations highlighting innovative ACO strategies for improving quality while lowering costs. Attendees will also discuss key components for implementing improvement strategies, such as setting aims, using data to inform improvement, and engaging stakeholders.

Interested in presenting?

ACO staff interested in presenting formally at a VLC meeting are encouraged to express interest using the [Summer/Fall 2020 Virtual Learning Collaborative Speaker Submissions link](#). If your proposal is selected, a member of the CMS Learning System team will contact you to discuss a potential presentation.

CMS REGION	DATE	REGISTRATION
Region 1 (Boston): CT, MA, ME, NH, RI, VT	October 8 th	Register here by October 1 st
Region 2 (New York City): NJ, NY, PR, VI	November 12 th	Register here by November 5 th
Region 4 (Atlanta): AL, FL, GA, KY, MS, NC, SC, TN	September 24 th	Registration FULL*
Region 6 (Dallas): AR, LA, OK, NM, TX	October 22 nd	Register here by October 15 th
Regions 9 (San Francisco) & 10 (Seattle): AK, AZ, CA, HI, ID, NV, OR, WA	October 1 st	Register here by September 24 th
Non-Specific Region*	November 19 th	Register here by November 12 th

*ACOs may attend the “non-specific region” meeting if they have a scheduling conflict for their specific region or registration is full.

CONTACT INFORMATION FOR ACOs

To help ACOs navigate questions regarding the Shared Savings Program.

ACO Information Center

SharedSavingsProgram@cms.hhs.gov

- Include your ACO ID (Axxxx) in the Subject line or text of the email
- Program operations and policy inquiries; technical inquiries related to MFT, CCLFs, the SSP ACO Portal, and ACO-MS; and assistance with user access to CMS systems, including password resets
- 1-888-734-6433 (select Option 1) or 1-888-734-6563 (TTY/TDD)

Quality Payment Program Service Center

QPP@cms.hhs.gov

- Inquiries related to MIPS, APMs, MACRA, CAHPS® for ACOs survey, quality measures, quality reporting for 2017 and future years, and CMS Web Interface
- 1-866-288-8292

Not for Public Dissemination: The ACO Spotlight Newsletter is a biweekly publication by CMS for ACOs participating in the Shared Savings Program. It is distributed by email only to ACO contacts listed in CMS' ACO-MS. This newsletter is not intended to establish CMS policy and is for informational purposes only for the sole use of the individual(s) to whom it is addressed, and individuals associated with their ACO. The newsletter is not intended for public release. The ACO Spotlight Newsletter is published, produced and disseminated at U.S. taxpayer expense. If you have received this in error, please notify the sender immediately by emailing SharedSavingsProgram@cms.hhs.gov.

This communication material was prepared as a service to the public and is not intended to grant rights or impose obligations. It may contain references or links to statutes, regulations, or other policy materials. The information provided is only intended to be a general summary. It is not intended to take the place of either the written law or regulations. We encourage readers to review the specific statutes, regulations, and other interpretive materials for a full and accurate statement of its contents.

Section 508 Disclaimer: This document and information contained therein may not adhere to Section 508 Compliance standards and guidelines for accessibility by persons who are visually impaired. Those who are visually impaired should contact the ACO Information Center at 1-888-734-6433 (Option 1) for assistance.