



MHACO
Annual Compliance Training
Non MaineHealth Employed Participants
2023
August 29, 2023



ACO Compliance Risks

The MHACO has compliance risks that are unique to the ACO environment. ACO's may be audited in these areas, may incur sanctions, including mandated corrective action plans and/or termination from the ACO Medicare Shared Savings (MSSP) program.

MHACO's employees and participants are prohibited from seeking to attract or avoid beneficiaries with certain health profiles.

Stinting on Care, Over-utilization:

- The MaineHealth ACO may not encourage its Participants to reduce or limit medically necessary services for ACO beneficiaries, over utilize services on non ACO beneficiaries and may not avoid beneficiaries with high medical needs, or “at-risk” beneficiaries.

MHACO Beneficiary Avoidance and Referrals Policy

ACO Compliance Risks

Avoiding Certain Beneficiaries:

The MaineHealth ACO's employees and participants *may not avoid* beneficiaries with high medical needs, or “at-risk” beneficiaries.

An “at-risk” beneficiary includes a patient who:

- has one or more chronic conditions;
- is dually eligible for Medicare and Medicaid;
- is diagnosed with a mental health or substance abuse disorder, or has had a recent diagnosis that is expected to result in increased cost;
- has had two or more hospitalizations or emergency room visits each year, or otherwise has a high utilization pattern.

Patient Choice:

- MSSP patients assigned to the MaineHealth ACO have full freedom of choice in selecting providers and may choose providers outside of the ACO with no penalty. Participating providers must honor patient choice and may not restrict referrals to within the ACO.

ACO Compliance Risk

Patient Inducements

- The MaineHealth ACO may not offer or provide gifts or other inducements to a beneficiary to encourage them to receive services from the MaineHealth ACO or any of its Participants.
- Under the Beneficiary Inducement Safe Harbor Provisions, the MaineHealth ACO and its participants *may* provide in-kind items or services related to the beneficiary's medical care that are either preventive in nature or help the beneficiary achieve a clinical goal, when all safe harbor provisions are met. For example, a practice may provide a patient with a blood pressure monitor to better control hypertension. *(Must be unrelated to reporting vitals required for some telehealth encounters.)*
- The Beneficiary Inducement Safe Harbor Provisions *do not* include cash, cash equivalents, items that are not related to medical care (beauty products or theatre tickets) or be an item or service which is a Medicare covered item or service for the beneficiary on the date the in-kind item or service is furnished to the beneficiary.

ACO Compliance Risk

Notification to Beneficiaries:

- **MHACO will** provide beneficiary notices, as required by CMS MSSP regulations.
 - » The standardized written notice will be provided once per agreement period, prior to the beneficiaries primary care visit.
 - » A follow up communication will provided within 180 days of the delivery of the standardized written notice.
- **ACO participants must** notify beneficiaries at the point of care that their ACO providers are participating in the Shared Savings Program by;
 - Prominently display MHACO MSSP Beneficiary Notice posters in a public area for beneficiary viewing.
 - Make a copy of the MHACO standard written notice available to beneficiaries upon request.

ACO Compliance Risk

Beneficiary Outreach and Marketing:

To prevent the MaineHealth ACO's employees and participants from seeking to attract or avoid beneficiaries with certain health profiles, and to prevent materially inaccurate or misleading information and/or discriminatory practices, CMS regulates marketing communications with beneficiaries.

- Marketing materials related to governmentally funded health care programs (i.e. Medicare Advantage and MSSP) are regulated by CMS.
- In some cases, the MaineHealth ACO is required to use CMS templates.
- The MaineHealth ACO's communications team must be provided with any proposed marketing materials prior to distribution.

ACO Compliance Risk

Beneficiary Right to Opt out of Data Sharing

- CMS beneficiaries may decline to allow their claims data be shared with the MHACO. The MaineHealth ACO may not request data on a beneficiary who has “opted out” of data sharing.
- If a beneficiary notifies one of the MHACO’s Employees or Participants that he or she chooses to opt-out of data sharing, instruct them to call Medicare and tell the representative that their doctor is part of an ACO and that they don’t want Medicare to share their health care information.
- If they change their mind and want to let Medicare share their health information again, they will need to let Medicare know.
 - **Beneficiary Number** - 1-800-MEDICARE (1-800-633-4227)
 - **TTY Number**- 1-877-486-2048.

The ACO may not notify Medicare on behalf of the beneficiary.

Reporting MHACO Compliance Concerns

- If you have a compliance concern, you should report your concern to any of the following:
 - Your Supervisor, or
 - MaineHealth ACO Compliance or Privacy Official,
 - **Compliance Official:** Rhonda Dolley @ (207) 482-7070
 - **Privacy Official:** Martha Ridge @ (207) 482-7077
- MaineHealth Corporate Compliance Helpline is available 24/7/365 and you may remain anonymous.
 - **MaineHealth Corporate Compliance Helpline:** @ (207) 662-6464



Compliance Training Attestation

- Your organization will complete the 2023 Compliance Training Attestation.
 - The attestation indicates all providers have reviewed the MaineHealth 2023 ACO Annual Compliance Training.
 - The attestation indicates all providers have reviewed, have an understanding of and willingness to abide by the standards outlined in the MaineHealth Code of Ethical Conduct 2022.

Thank you for your cooperation.

- Contact Sherry Peck, MaineHealth ACO, Compliance Analyst at Sherry.Peck@mainehealth.org with questions.