

**COMMONSPIRIT HEALTH  
ACCOUNTABLE CARE ORGANIZATION AND CLINICALLY INTEGRATED NETWORK  
ADMINISTRATIVE POLICY**

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<b>SUBJECT:</b> MSSP Beneficiary Notifications	<b>POLICY NUMBER:</b> Corporate Responsibility PH-005
<b>EFFECTIVE DATE:</b> July 1, 2021	<b>ORIGINAL EFFECTIVE DATE:</b> July 1, 2021
<b>REPLACES:</b> Dignity Health Policy: Clinical Integration – Medicare Shared Savings Program Beneficiary Notifications	

- Accountable Care Organizations (ACO) in the Medicare Shared Savings Program (MSSP)
- Clinically Integrated Networks (CIN)

**PURPOSE**

The purpose of this policy is to detail the MSSP's policy and processes related to the requirement to provide beneficiary notifications.

**POLICY**

It is the policy of the MSSP to provide notification to beneficiaries at the point of care that their Providers/Suppliers are participating in the Shared Savings Program and of the opportunity to decline claims data sharing under 42 CFR §425.312 and 425.708.

**AFFECTED AREAS OR DEPARTMENTS**

CommonSpirit Health ACOs participating in the Medicare Shared Savings Program

**PROCEDURE OR PROCESS**

1. Beneficiaries receive notification which states that:
  - a. Each MSSP Participant and its MSSP Providers/Suppliers are participating in the Shared Savings Program.
  - b. The beneficiary may decline claims data sharing.
  - c. The beneficiary has the ability to identify or change identification of the individual he or she designated for purposes of voluntary alignment. This includes information on the process by which he or she may make this change.
  - d. **For MSSPs operating a Beneficiary Incentive Program for the Performance Year:** The MSSP is operating a Beneficiary Incentive Program. This includes a description of the qualifying services for which an assigned beneficiary is eligible to receive an incentive payment.

2. This notification is carried out through the following methods:
  - a. Posters & Written Notices:
    - i. The MSSP uses template language developed by CMS for the posters and written notices described in this policy without modification or as otherwise allowed by CMS requirements.
    - ii. All MSSP Participants are required to post the CMS template signage in their facilities indicating the MSSP Provider/Supplier's participation in a MSSP.
    - iii. The MSSP signage must be displayed in a highly visible location.
    - iv. The MSSP and MSSP Participants shall ensure the CMS Beneficiary Information Notice template letter is made available in all MSSP Participant settings in case a beneficiary should request a copy of the letter.
  - b. The MSSP also provides each beneficiary with the standardized written notice prior to or at the first primary care visit of each performance year. This may be completed through a patient portal, via a mass mailing, or in person.
3. These notifications state that the MSSP may have requested beneficiary identifiable claims data about the beneficiary for purposes of its care coordination and quality improvement work, and inform the beneficiary how to decline having his or her claims information shared with the MSSP in the form and manner specified by CMS.
4. Beneficiary requests to decline claims data sharing will remain in effect unless and until a beneficiary subsequently contacts CMS to amend that request to permit claims data sharing with the MSSP.
5. The opportunity to decline having claims data shared with a MSSP does not apply to the information CMS provides to MSSPs under 42 CFR §425.702(c).
6. CMS does not share beneficiary identifiable claims data related to the diagnosis and treatment of alcohol and substance abuse without the explicit written consent of the beneficiary.
7. The MSSP maintains records related to the beneficiary notification process in accordance with CommonSpirit Health's Population Health Record Retention Policy.

## **DEFINITIONS**

**Beneficiary:** Medicare fee-for-service beneficiary attributed to the ACO by CMS.

**Medicare Shared Savings Program (MSSP):** Medicare Shared Savings Program, established under section 1899 of the Social Security Act.

**MSSP Participant:** An ACO entity identified by a Medicare-enrolled billing TIN through which one or more providers/suppliers bill Medicare. The providers/suppliers must be included on the list of ACO participants that is required under 42 C.F.R. § 425.118.

**MSSP Provider/Supplier:** An individual or entity that: (1) is a provider or supplier under Medicare regulations; (2) is enrolled in Medicare; (3) bills for items and services furnished to Medicare fee-for-service beneficiaries during the agreement period under a Medicare billing number assigned to the TIN of an ACO participant; and (4) is included on the list of ACO providers/suppliers that is required under 42 C.F.R. §425.118.

**REFERENCES**

National Association of ACOs (NAACOS) ACO Compliance Program Policies and Procedures Manual - MSSP

**STATUTORY/REGULATORY AUTHORITIES**

- 42 C.F.R. §425.312 *Notification to beneficiaries of participation in MSSP*
- 42 C.F.R. §452.20 *Definition of Marketing materials and activities*