

DELAWARE VALLEY ACO

RESOLUTION October 20, 2015

RE: Determination that Electronic Medical Record Support is Reasonably Related to the Purposes of the Medicare Shared Savings Program

WHEREAS, DVACO currently participates in the Medicare Shared Savings Program (“MSSP”) for a three-year period which began on January 1, 2014;

WHEREAS, the U.S. Department of Health and Human Services' Centers for Medicare & Medicaid Services and Office of Inspector General have promulgated MSSP “pre-participation” and “participation” waivers (“Waivers”) that waive the application of the federal physician self-referral law, the federal health care program anti-kickback statute, and certain federal civil monetary penalty laws as to certain financial arrangements involving MSSP ACOs;

WHEREAS, the Waivers require *inter alia* that the ACO’s governing body make and duly authorize a *bona fide* determination that the financial arrangements to be protected by the Waivers are reasonably related to the purposes of MSSP;

WHEREAS, the Waivers further require that the financial arrangements be disclosed on the ACO’s website within sixty days of the date of the arrangements;

WHEREAS, the purposes of the MSSP are promoting accountability for the quality, cost, and overall care for a Medicare patient population as described in the MSSP; managing and coordinating care for Medicare fee-for-service beneficiaries through an ACO; and encouraging investment in infrastructure and redesigned care processes for high quality and efficient service delivery for patients, including Medicare fee-for-service beneficiaries;

WHEREAS, the Board has considered the terms of an arrangement under which DVACO will provide support with respect to the electronic medical record (“EMR”) for population health operations, including but not limited to, chronic care management and care coordination (“EMR Support”) to DVACO participants which request such support or those DVACO participants for which DVACO deems such support appropriate pursuant to a corrective action plan under the participant’s Participant Agreement with DVACO. The EMR Support will include but not be limited to supplying information and assistance regarding improved work-flow and EMR use, and/or assistance to address the participant’s limitations in producing quality metric information; and

WHEREAS, DVACO’s goals in providing the EMR Support are to promote accountability for the quality, cost, and overall care of patients in the community that DVACO serves and to promote redesigned care processes for high quality and efficient service delivery for patients all of which are reasonably related to the purposes of the MSSP.

BE IT THEREFORE RESOLVED that the Board determines that the EMR Support is reasonably related to the purposes of the MSSP.

BE IT FURTHER RESOLVED that the Board approves the EMR Support and the public disclosure of the EMR Support on the DVACO website in a manner that satisfies all requirements of the Waivers.