

DELAWARE VALLEY ACO

RESOLUTION February 3, 2016

RE: Approval of Funds Flow Distribution Methodology, including Care Coordination Support, and Determination That It 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 implement the Funds Flow Distribution Methodology as attached to this resolution (“Funds Flow Distribution Methodology”), which includes Care Coordination support in connection with selected DVACO Payer Agreements, including but not limited to, chronic care management and care coordination to DVACO attributed beneficiaries; and

WHEREAS, DVACO’s goals in providing the Funds Flow Distribution Methodology, which includes Care Coordination support, is to promote accountability for the quality, cost, and overall care of patients in the community that DVACO serves, including but not limited to Medicare fee-for-service beneficiaries, 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 approves the Funds Flow Distribution Methodology, including, where applicable, Care Coordination Support, for use in connection with the MSSP distributions for 2015 and thereafter, the DVACO/Aetna contract and all other private payer contracts entered into by DVACO unless and until the Funds Flow Distribution Methodology is modified or replaced by DVACO.

BE IT FURTHER RESOLVED that the Board determines that the Funds Flow Distribution Methodology, including, where applicable, Care Coordination Support, is reasonably related to the purposes of the MSSP.

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BE IT FURTHER RESOLVED and the public disclosure of the Funds Flow Distribution Methodology, including, where applicable, the Care Coordination Support, on the DVACO website in a manner that satisfies all requirements of the Waivers.