

# DELAWARE VALLEY ACO

## RESOLUTION February 3, 2016

**RE: Determination that Laboratory Arrangements are 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, DVACO has considered or will consider the terms of arrangements under which DVACO will receive enhanced data at no charge from Labcorp, Quest and other laboratory companies, and will make all or part of such data available to DVACO’s providers (“Laboratory Arrangement”) for the sole purpose of enhancing DVACO’s databases and its providers’ management of DVACO’s attributed members under MSSP and private payer agreements and related quality reporting metrics; and**

**WHEREAS, DVACO’s goals in receiving enhanced data under the Laboratory Arrangements and making it available to its providers are 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 enhanced care processes for high quality and efficient service delivery to such patients, all of which are reasonably related to the purposes of the MSSP.**

***BE IT THEREFORE RESOLVED that the Board determines that the Laboratory Arrangements are reasonably related to the purposes of the MSSP.***

***BE IT FURTHER RESOLVED that the Board approves the public disclosure of the Laboratory Arrangements on the DVACO website in a manner that satisfies all requirements of the Waivers.***