

# DELAWARE VALLEY ACO

## RESOLUTION February 3, 2016

RE: Determination that Group Practice Reporting Option (GPRO) 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**, DVACO is obligated under MSSP to collect and report data to CMS as required by GPRO which, in turn, must be collected from and reported by DVACO physician providers participating in the MSSP in order to be eligible to share savings in the MSSP;

**WHEREAS**, the Board has considered arrangements under which DVACO will provide support to its physician providers in order to facilitate the collection of the GPRO data from this providers (“GPRO Support”).

**WHEREAS**, the GPRO Support will be in the following forms: (i) supplying information and assistance to DVACO physician practices regarding improved work-flow and EMR use, and/or assistance to address the practice’s limitations in producing quality metric information; and/or (ii) providing monetary compensation to the physician practice or the clinically integrated network to which the physician practice belongs to collect and report the practice’s GPRO data; and

**WHEREAS**, DVACO’s goals in providing the GPRO Support are to assure it complies with MSSP quality reporting requirements and to maintain its eligibility to obtain shared savings in the MSSP, 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 determines that the GPRO Support is reasonably related to the purposes of the MSSP.

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

*BE IT FURTHER RESOLVED that the Board approves the execution of GPRO Support Agreements with DVACO Members and/or Member affiliates, including but not limited to affiliated CINs, whereby the Member or affiliate provides data collection and reporting services to DVACO in connection with DVACO's GPRO reporting obligations on terms acceptable to DVACO management.*