

“What keeps you up at night?”

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CMS Releases 2012 Application for ACOs

By Bruce D. Armon, Karen Palestini and Andrew J. Siegel

SUMMARY

The Centers for Medicare and Medicaid Services has posted online the application for organizations interested in participating in the Medicare Shared Savings Program.

The Centers for Medicare and Medicaid Services (CMS) followed its November 2nd publication of the Final Rule for Accountable Care Organizations (ACOs) (available at <http://www.gpo.gov/fdsys/pkg/FR-2011-11-02/pdf/2011-27461.pdf>) with the release of the 2012 Medicare Shared Savings Program (MSSP) Application. The application may be downloaded from the CMS website at https://www.cms.gov/sharedsavingsprogram/Downloads/Medicare_Shared_Savings_Program_Application_2012.pdf. Under the application guidelines, CMS is accepting applications for two start dates: April 1, 2012 and July 1, 2012. Beginning in 2013, the only start date will be on January 1st of each calendar year.

The application follows, in many respects, the ACO final regulations. ACO applicants must provide information regarding their corporate structure and governance, selected MSSP track and repayment mechanisms, banking information, participant lists and data sharing efforts. Applicants must also describe their plans for the shared savings payments (i.e., re-investing in the ACO's infrastructure, sharing savings with participants and providers, etc.) and how such use will help achieve the MSSP's goals of better care for participants and lower health care expenditures. The application also requires documentation of each applicant's quality assurance and improvement program and a description of the steps the ACO will take to promote evidence-based medicine, beneficiary engagement and coordination of care.

Prior to submitting an MSSP Application, an ACO must submit a Notice of Intent to Apply (NOI). The NOI is available at <https://vovici.com/wsb.dll/s/11dc4g4c52d>. Upon submission of the online NOI form, applicants will receive an email containing their ACO ID. CMS is encouraging parties to obtain an ACO ID as soon as possible. Receiving an ACO ID does not mean that applicants must complete the MSSP Application. Upon receiving the ACO ID, the acknowledgment form will detail how applicants can obtain a CMS User ID.

The MSSP application packet includes the 21-page application along with an Electronic Funds Transfer Authorization Agreement (CMS Form 588) (Appendix A), Participant List Template (Appendix B), CMS Data Use Agreement (Appendix C) and Application Reference Guide (Appendix D). Applications may be submitted via tracked mail (FedEx, UPS, etc.) or electronically via CMS’ Health Plan Management System. The deadlines for each step of the ACO application process are as follows:

	April 1, 2012 ACO Start Date	July 1, 2012 ACO Start Date
NOIs Accepted	Nov. 1, 2011 – Jan. 6, 2012	Nov. 1, 2011 – Feb. 17, 2012
CMS User ID Forms Accepted	Nov. 9, 2011 – Jan 12, 2012	Nov. 9, 2011 – Feb. 23, 2012
2012 Applications Accepted	Dec. 1, 2011 – Jan. 20, 2012	March 1, 2012 – March 20, 2012
2012 Application CMS Approval/Denial Decision	March 16, 2012	May 31, 2012
ACO Reconsideration Review Deadline*	March 23, 2012	June 15, 2012

* The date an ACO must receive a favorable reconsideration review determination in order to qualify for either the April 1, 2012 or July 1, 2012 start date.

Parties who are considering forming or joining an ACO now have the final regulations and ACO application form.

Saul Ewing’s Health Practice Group can assist you in crafting your ACO strategy. You may access our previous alerts related to ACOs at http://www.saul.com/common/publications/pdf_3073.pdf, http://www.saul.com/common/publications/pdf_3052.pdf, http://www.saul.com/common/publications/pdf_3056.pdf and http://www.saul.com/common/publications/pdf_3046.pdf. We will continue to publish additional updates relating to ACOs and the Medicare Shared Savings Program.

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