

SAMPLE ACO COMPLIANCE PLAN

I. Introduction

[ACO NAME] (“ACO”) was formed as an accountable care organization to enter into a Medicare Shared Savings Program Agreement with the Centers for Medicare & Medicaid Services (“CMS”) to participate in the Medicare Shared Savings Program (“MSSP”) through which ACO provides services to Medicare fee-for-service beneficiaries assigned to ACO in order to facilitate coordination and cooperation among healthcare providers to improve the quality of care for Medicare fee-for-service beneficiaries.

To protect the integrity of the MSSP and the purpose and mission of ACO, ACO will establish and maintain an effective Compliance Program designed to detect, correct and prevent incidences of non-compliance with applicable state and federal statutes, regulations, rules and guidance including, but not limited to, incidences of fraud, waste and abuse relating to the MSSP and federal health care programs. ACO will contractually require its employees, participants, contractors and providers/suppliers to comply with all requirements of the ACO Compliance Program.

II. Compliance Program Elements

1. Designated Compliance Official

The Compliance Officer is responsible for oversight and operation of this Plan. He or she will report on the nature and status of material compliance issues or matters affecting the ACO to the Board of Managers quarterly, and when necessary and appropriate. He or she will not serve as legal counsel to the ACO.

2. Monitoring Compliance of Operations and Performance

The Compliance Officer will initiate reviews of regulatory issues in conjunction with or independent of the relevant participants. The purpose of these reviews is to identify and address any compliance issues with ACO's operations and performance. Results of these reviews will be reported to the affected participant and the ACO Board of Managers. The Compliance Officer also may request results of reviews or audits performed by ACO participants that relate to the operations of ACO.

3. Internal Reporting of Compliance Issues

ACO employees and participants have an affirmative duty to report in good faith any known or suspected violations of applicable law or policy. These reports may be made to management or directly to the Compliance Officer. The Compliance Officer will coordinate with the Compliance officials of participants to obtain reports of compliance issues related to ACO that may be raised at a participant. ACO shall establish a confidential disclosure mechanism through the Compliance Hotline, a toll-free telephone line, as a means to enable employees, contractors, ACO participants, ACO providers/suppliers, or for other entities performing functions or services related to ACO activities, to anonymously report suspected problems related to the ACO and/or make inquiries on compliance issues. All employees, participants, ACO providers/suppliers, and other entities performing functions or services related to ACO activities have the right to use the Compliance Hotline. Information concerning the Hotline is regularly publicized throughout the organization through posters, websites, and training materials. Reports made to the Compliance Officer will be treated confidentially. Reports may be made anonymously.

These materials are provided for informational purposes only and do not constitute legal advice. These materials are intended, but not promised or guaranteed to be current, complete, or up-to-date and should in no way be taken as an indication of future results. Transmission of the information is not intended to create, and the receipt does not constitute, an attorney-client relationship. These are not offered as and do not constitute legal advice or legal opinions. You should not act or rely on any information contained herein without first seeking the advice of an attorney.

ACO is committed to a policy of non-retaliation against employees and participants who report suspected violations in good faith. Any action taken by an ACO employee or participant to retaliate against anyone making a good faith report alleging suspected improper activities is strictly prohibited. Any employee or participant who commits or condones any form of retaliation will be subject to discipline up to, and including, termination of employment or exclusion from the ACO.

4. External Reporting of Compliance Issues

If ACO discovers from any source credible evidence of misconduct related to ACO's operations and performance and, after a reasonable inquiry, believes that the misconduct represents a probable violation of law, ACO will promptly report the probable violation to the appropriate law enforcement agency within the appropriate period.

5. Compliance Training and Education

ACO employees and participants will receive compliance training upon becoming employed or engaged by ACO or the respective participant and at least annually thereafter. Such training may be provided by ACO or by a participant and may be provided in-person or on-line. The training will include introduction to this Plan, ACO's commitment to responsible and compliant business practices, the mandatory reporting requirements, reporting options, including the Compliance Hotline, and the ability to report confidentially and be free from retaliation. Targeted and as-needed training on compliance issues specific to ACO and its participation in the MSSP will be provided periodically where needed and applicable. Personnel whose work is linked to recognized risk areas will receive specialized compliance education pertaining to their functions and responsibilities. Documentation of all ACO Compliance Program training and education will be maintained by the Compliance Officer.

6. Exclusion Screening

Neither ACO nor its participants will knowingly hire, employ or contract with an individual or entity that has been excluded from participation in any federal health care program. All ACO employees and participants will be screened against the OIG List of Excluded Individuals and Entities ("OIG LEIE") and the U.S. General Services Administration's Excluded Parties List System ("GSA EPLS") prior to initial hire and monthly thereafter. Documentation of such screening will be maintained by the Compliance Officer. ACO employees and participants will immediately notify ACO of the identification of any person or entity who provides services to or on behalf of ACO or its participants that (a) has been excluded according to the OIG LEIE or GSA EPLS; (b) has been subject to any conviction or adverse action that subjects the individual to federal health care program exclusion under 42 U.S.C. 1320a-7; or (c) has a history of health care program integrity, including any history of Medicare program exclusion or other sanctions and affiliations with individuals or entities that have a history of program integrity issues. ACO will immediately remove any excluded individual from any work related directly or indirectly to services furnished by ACO.

III. Plan Amendments

The Compliance Officer will review this Plan as necessary and at least annually, and update the Plan and any related policies to reflect changes in applicable law or regulations, ACO operations, and compliance improvement initiatives identified through the ACO Compliance Program.