

MaineHealth
Accountable Care
Organization

MHACO Annual Compliance Training

Participant 2021- ACO Specific

September 1, 2021

ACO Compliance Risks

The MHACO has compliance risks that are unique to the ACO environment. ACO's may be audited in these areas, may incur sanctions, including mandated corrective action plans and/or termination from the ACO program.

MHACO's employees and participants are prohibited from seeking to attract or avoid beneficiaries with certain health profiles.

Stinting on Care, Over-utilization:

- The MaineHealth ACO may not encourage its Participants to reduce or limit medically necessary services for ACO beneficiaries, over utilize services on non ACO beneficiaries and may not avoid beneficiaries with high medical needs, or “at-risk” beneficiaries.

[MHACO Beneficiary Avoidance and Referrals Policy](#)

ACO Compliance Risks

Avoiding Certain Beneficiaries:

The MaineHealth ACO's employees and participants may not avoid beneficiaries with high medical needs, or “at-risk” beneficiaries.

An “at-risk” beneficiary includes a patient who:

- has one or more chronic conditions;
- is dually eligible for Medicare and Medicaid;
- is diagnosed with a mental health or substance abuse disorder, or has had a recent diagnosis that is expected to result in increased cost;
- has had two or more hospitalizations or emergency room visits each year, or otherwise has a high utilization pattern.

Patient Choice:

- Patients assigned to the MaineHealth ACO have full freedom of choice in selecting providers and may choose providers outside of the ACO with no penalty. Participating providers must honor patient choice and may not restrict referrals to within the ACO.

ACO Compliance Risk

Patient Inducements

- The MaineHealth ACO may not offer or provide gifts or other inducements to a beneficiary to encourage them to receive services from the MaineHealth ACO or any of its Participants.
- Under the ACO Patient Incentive Waiver and Beneficiary Inducement Safe Harbor Provisions, the MaineHealth ACO and its participants may provide in-kind items or services related to the beneficiary's medical care that are either preventive in nature or help the beneficiary achieve a clinical goal, when all waiver conditions are met. For example, a practice may provide a patient with a blood pressure monitor to better control hypertension.
- The Patient Incentive Waiver and Beneficiary Inducement Safe Harbor Provisions do not include cash, cash equivalents, items that are not related to medical care (beauty products or theatre tickets) or be an item or service which is a Medicare covered item or service for the beneficiary on the date the in-kind item or service is furnished to the beneficiary.

ACO Compliance Risk

Beneficiary Notices, Outreach and Marketing:

To prevent materially inaccurate or misleading information and/or discriminatory practices, CMS regulates marketing communications with beneficiaries.

- Participants must notify beneficiaries that they are participating in the MHACO.
 - MHACO provides Signs which must be prominently posted in each facility.
 - Participants must make a copy of the standard written notice available to beneficiaries upon request.
 - MHACO provides the standardized written notice annually to beneficiaries, prior to their first primary care visit of the performance year.
- Marketing materials related to governmentally funded health care programs (i.e. Medicare Advantage and MSSP) are regulated by CMS and must be submitted to CMS for approval before being distributed. In some cases the MHACO must use specific templates.
- The MHACO's Marketing Department must be provided with any proposed marketing materials prior to distribution to ensure it is compliant with government regulations.

ACO Compliance Risk

Beneficiary Right to Opt out of Data Sharing

- CMS beneficiaries may decline to allow their claims data be shared with the MHACO. The MaineHealth ACO may not request data on a beneficiary who has “opted out” of data sharing.
- If a beneficiary notifies one of the MHACO’s Employees or Participants that he or she chooses to opt-out of data sharing, instruct them to call Medicare and tell the representative that their doctor is part of an ACO and that they don’t want Medicare to share their health care information.
- If they change their mind and want to let Medicare share their health information again and let them know.
 - **Beneficiary Number** - 1-800-MEDICARE (1-800-633-4227)
 - **TTY Number-** 1-877-486-2048.

The ACO may not notify Medicare on behalf of the beneficiary.

MHACO Fraud, Waste and Abuse

Correcting Fraud, Waste and Abuse

- Any questionable or potentially illegal conduct or behavior in violation of the Code by anyone working for or on behalf of the MaineHealth ACO, shall be reported immediately, fully and objectively to the Compliance or Privacy Official, the “Helpline” or to the individual's immediate supervisor.
- Staff/Participant’s are also encouraged to immediately report any experience that made them feel uncomfortable or uneasy about the legal or ethical nature of conduct or decisions made. Every reasonable effort will be made to protect an individual's confidentiality and the information shared only with those having a need to know.
- The MaineHealth ACO has established a confidential MaineHealth Corporate Compliance Helpline on which potential violations can be reported on a confidential basis or questions asked; (207) 662-4646. Staff/Participant’s will not be reprimanded or subject to any discipline or retaliation for the act of making any report in good faith and without malicious intent.
- The MaineHealth ACO will report any compliance concerns to the appropriate entity including but not limited to Medicare and Medicare Advantage Plans, if applicable.

MHACO Fraud, Waste and Abuse

- Participants/Suppliers in the MaineHealth ACO will continue to submit fee-for-service claims to government programs and all existing billing and coding laws continue to apply to the MaineHealth ACO Participants(practices)/Suppliers (providers).
- The MaineHealth ACO submits certifications to the government to obtain payment, and submits data to support the certifications. The FCA prohibitions apply to the MaineHealth ACO when submitting the certifications.
- All MaineHealth ACO quality and other reporting must be accurate and supported by auditable records*. Representatives of the MaineHealth ACO are required to attest to the accuracy of data submissions.

* *CMS MSSP requires audit records including compliance training records to be maintained for 10 years.*

Reporting MHACO Compliance Concerns

- If you have a compliance concern, you should report your concern to any of the following:
 - Your Supervisor, or
 - MaineHealth ACO Compliance or Privacy Official,
 - **Compliance Official:** Rhonda Dolley @ (207) 482-7070
 - **Privacy Official:** Martha Ridge @ (207) 482-7077
- MaineHealth Corporate Compliance Helpline is available 24/7/365 and you may remain anonymous.
 - **MaineHealth Corporate Compliance Helpline:** (207) 662-6464

MHACO Compliance Training Attestation

- Please complete the 2021 MHACO Compliance Training Attestation Attachment A included with this training program.
- Your Attestation indicates:
 - You and your providers have completed Annual Compliance Training consistent with CMS Part C & D Fraud, Waste and Abuse training and MHACO specific compliance training materials.
 - You and your providers have completed MHACO Code of Ethical Conduct or an equivalent Code of Conduct training program and agree to an understanding of and willingness to abide by the standards of conduct out-lined.
- Please return your signed attestation to MHACO, Sherry Peck, Compliance Analyst at pecks@mainehealth.org or fax (207) 661-8568.

Thank you for your cooperation.