

Direct Contracting Learning Discussion



The program will begin at 2:00 pm ET.

Introductions



David Pittman

David is senior policy advisor at NAACOS where he assists the government affairs team in its legislative and regulatory affairs work, including its work around Direct Contracting. He also works on NAACOS's communications efforts.



Dave Ault

Dave is counsel at Faegre Drinker Biddle & Reath LLP where he advises clients on a range of CMS issues including those related to value-based payment. Dave regularly draws on his extensive experience at HHS and CMS, including his tenure leading the Next Generation ACO Model and working as part of the Medicare Shared Savings Program leadership team.

Ground Rules and Expectations



1. Today's discussion is scheduled for an hour
2. What to expect
 - Our goal is to allow DCEs to share concerns, answer questions and raise points of interest in a collaborative discussion.
 - Feel free to turn your video on and speak up when you feel the need. Please mute yourself when not talking.
3. Today's program is being recorded
 - Recordings will be posted to NAACOS's stand-alone [Direct Contracting page](#)
4. We have a couple topics teed up. Discussion will happen along the way.

Agenda.....



1. Welcomes and housekeeping
2. A couple of teed-up topics
 - a) Compliance considerations
 - b) Amended PY2021 Participation Agreement and changes coming in 2022
3. Open forum and discussion



NAACOS Direct Contracting Resources

- Stand-alone [webpage](#) with CMS and NAACOS resources
- Hosted several webinars, town halls and learning discussions
- To continue today's discussion, we encourage use of our Direct Contracting Listserv. You must sign up first and can do so [here](#).
 - DirContractListServ@naacos.com
- NAACOS staff is also available at DirectContracting@naacos.com

NAACOS Fall Conference



- The NAACOS Fall 2021 Conference is set for Sept. 29–Oct. 1 at the Marriott Marquis in Washington D.C.
- The [full agenda](#) is online along with [registration](#) information
- Plenaries and panels of interest
 - Jon Blum, CMS Principal Deputy Admin
 - “What's Ahead for Direct Contracting”
 - “How Medicare Advantage Experience Drives ACO/Direct Contracting Success”
 - Open Mic with CMS



Kimberly Busenbark



After beginning her career in Medicare Advantage compliance, Kimberly began working with ACOs during the first wave of the Medicare Shared Savings Program. She has served as the Compliance Officer for more than 40 ACOs since 2012. In 2015 she began Wilems Resource Group, which has continued to grow and has helped organizations across the country remain compliant and be successful within the Medicare Shared Savings Program, Next Generation ACO Model, and the Direct Contracting Model.

Kimberly is a graduate of Texas A&M University, where she received a Bachelor's of Business Administration in Marketing and Management, and of The University of Houston Law Center, where she received her Juris Doctorate before being admitted to the State Bar of Texas.

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Compliance Considerations for GPDC

- **Operational Compliance**

- Much Higher Audit Rate
- Beneficiary Notifications
- Paper Based Voluntary Alignment
- Marketing: 5 vs 10 days
- Contracting with Participants and Preferred Providers
- Ad-Hoc Additions and Deletions
- Notifications
- Appropriate Payments to Providers

- **Compliance Program**

- Data Sharing
- Governance

- **Waivers vs Safe Harbors**



**HealthCare
Compliance**
Network

Direct Contracting and Compliance Awareness

Presenter: Mitch Brie and Kimoy Griz

Who is The Compliance Officer?

- Member of Senior Management
- Collaborator
- Investigator
- Mediator
- Change Agent
- Strategic Advisor
- Partner in Revenue Integrity

Compliance in Direct Contracting

Development, implementation and/or maintenance of:

- Compliance Reporting Systems
- Annual Monitoring Integrity
- Understanding the Terms of Agreement
- Compliance Auditing of Data
- Compliance Education Programs (CMS)
- Performance Year Benchmarks
- Risk of Bad Data
- Consultant or Internal
- Assisting in risk options

Global and Professional Direct Contracting



- Amendments to PY2021 Participation Agreement
 - Amendment 1 – Unilateral (Mandatory)
 - Stop-Loss: Clarifies the Retrospective Stop-Loss Charge Adjustment calculation for Performance Year 2021 by setting the adjustment equal to the ratio of Aggregate Stop-Loss Payout in the DC National Reference Population to the Aggregate Stop-Loss Charge in the DC National Reference Population.
 - According to CMS, this change will lower the 2021 Stop-Loss charges by up to 40%, resulting in increased shared savings for impacted DCEs
 - Telehealth: The mandatory amendment also adds to HCPCS codes (G0438 and G0439) under the Telehealth Benefit Enhancement.
 - Amendment 2 – Voluntary
 - Model Tracks: Allows Professional DCEs to switch to the Global DCE track and allows High Needs Population DCEs to switch to either a New Entrant DCE or Standard DCE.
 - Provider Agreements: Formalizes the Conditional Waiver of Enforcement previously issued by the Innovation Center, which allows DCEs to enter into financial arrangements at the entity level (rather than the individual level)
 - Requires that the entity is included on a DCE's provider list.

Global and Professional Direct Contracting



- PY2022 Financial Papers

- On September 3, the Innovation Center released the 2022 Financial Papers
 - Mostly minor updates and revisions; more significant changes expected for 2023
 - NAACOS continues to advocate for a more level playing field for all DCEs
- +/- 3% DCE-Level Risk Adjustment Cap: Voluntarily aligned beneficiaries that are newly aligned will be excluded from this calculation, however, voluntarily aligned beneficiaries that are continuously aligned in the following model performance year will be included in this calculation).
- Beneficiary Alignment: Beneficiaries will be claims aligned if not already aligned to a participant in the Medicare Shared Savings Program *or other Medicare value-based initiatives*
- Retrospective Trend Adjustment:
 - Old standard: If the two trends (prospective trend and observed trend) “meaningfully diverge” in a performance year.
 - New standard: If the observed trend differs from the prospective trend by more than 1 percentage point in a performance year.

Other Topics.....



- **What other topics are on your mind or that you want to discuss?**
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Thank you!