

**MEDICARE SHARED SAVINGS PROGRAM ACCOUNTABLE CARE
ORGANIZATION PARTICIPATION AGREEMENT**

(Agreement with Accountable Care Organization Pursuant to Section 1899 of the Social Security Act and
Title 42 Code of Federal Regulations (CFR) Chapter IV, part 425)

AGREEMENT

between

THE CENTERS FOR MEDICARE & MEDICAID SERVICES

and

doing business as (D/B/A) _____

In order to participate in the Shared Savings Program and receive payment under title XVIII of the Social Security Act as an Accountable Care Organization (ACO), _____
D/B/A _____ agrees to comply with the provisions of section 1899 of the Social Security Act, Title 42 CFR Part 425, and all other applicable provisions of law and regulation.

This agreement, upon submission by the ACO of acceptable assurance of compliance with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973 as amended, the Age Discrimination Act of 1975, and section 1557 of the Affordable Care Act, and upon acceptance by the Centers for Medicare & Medicaid Services, shall be binding on the Accountable Care Organization.

TERM OF AGREEMENT: Pursuant to 42 CFR 425.200(b), the start date for the Agreement is _____, with a term of _____, ending on December 31, 2015, unless sooner terminated in accordance with applicable regulations.

PERFORMANCE YEAR: Pursuant to 42 CFR 425.200(c), the first Performance Year under this Agreement begins on _____ and ends on December 31, 2013. Subsequent Performance Years for the duration of this Agreement shall each be of 12 months duration, beginning on January 1, 2014.

APPLICABLE LAWS:

Statutory and Regulatory Changes During Term of Agreement: Pursuant to 42 CFR 425.212(a)(1), the ACO is subject to all statutory changes that become effective during the term of this Agreement. Pursuant to 42 CFR 425.212(a)(2), the ACO is subject to all regulatory changes that become effective during the term of this Agreement with the exception of the following program areas:

- (1) Eligibility requirements concerning the structure and governance of ACOs.
- (2) Calculation of sharing rate.
- (3) Beneficiary assignment.

Compliance With Laws: Pursuant to 42 CFR 425.208(b), the ACO agrees, and must require its ACO participants and ACO providers/suppliers, as defined under 42 CFR 425.20, and other individuals or entities performing functions or services related to the ACO's activities to agree to comply with all applicable laws including, but not limited to the following:

- (1) Federal criminal law.
- (2) The False Claims Act (31 U.S.C. 3729 *et seq.*).
- (3) The anti-kickback statute (42 U.S.C. 1320a-7b(b)).
- (4) The civil monetary penalties law (42 U.S.C. 1320a-7a)
- (5) The physician self-referral law (42 U.S.C. 1395nn).

CERTIFICATIONS: Pursuant to 42 CFR 425.208(c), the ACO agrees, as a condition of participating in the program and receiving any shared savings payment, that an individual with the authority to legally bind the ACO will certify the accuracy, completeness, and truthfulness of any data or information requested by or submitted to the Centers for Medicare & Medicaid Services (CMS), including, but not limited to this Agreement, the application form and any quality data or other information on which CMS bases its calculation of shared savings payments and shared losses. All such certifications must meet the requirements set forth in 42 CFR 425.302. In addition, pursuant to 42 CFR 425.204(a), the ACO certifies that the ACO, its ACO participants, and its ACO providers/suppliers have agreed to become accountable for the quality, cost, and overall care of the Medicare fee-for-service beneficiaries assigned to the ACO.

Pursuant to 42 CFR 425.210(a), the ACO must provide a copy of this Agreement to all of its ACO participants, ACO provider/suppliers, and other individuals and entities involved in ACO governance.

The individual executing this Agreement on behalf of the ACO has authority to legally bind the ACO and hereby certifies the accuracy, completeness, and truthfulness of the statements contained in this Agreement and the Medicare Shared Savings Program Application, including any supplemental submissions to that application.

ACCEPTED FOR THE ACCOUNTABLE CARE ORGANIZATION BY:

Name _____ Title _____

Signature _____ Date _____

ACCEPTED BY THE CENTERS FOR MEDICARE & MEDICAID SERVICES BY:

Name John Pilotte _____ Title Director, Performance-Based Payment Policy Group _____

Signature _____ Date _____