

Other Entities Frequently Asked Questions

Q1. May our practice taxpayer identification number (TIN) affiliate with an Accountable Care Organization (ACO) as an “other entity” instead of as an ACO participant, even though our practice TIN is Medicare-enrolled?

Yes, a Medicare-enrolled entity may enter into an agreement with an ACO as an “other entity.” Regulations governing the Medicare Shared Savings Program (Shared Savings Program) do not require “other individuals or entities performing functions or services related to ACO activities” to be non-Medicare enrolled individuals or entities.

Q2. If our practice signs an agreement with an ACO as an “other entity,” must our practice be exclusive to a single Shared Savings Program ACO?

No, “other entities” are not required to be exclusive to a single Shared Savings Program ACO. “Other entities” do not appear on the certified ACO Participant List and they would not be used for program operations, such as assignment.

Q3. If our practice signs an agreement with an ACO as an “other entity,” will CMS use our claims to assign beneficiaries to the ACO?

No, CMS does not use claims submitted by an “other entity” that performs functions or services on behalf of an ACO to assign beneficiaries to an ACO. CMS uses only ACO participants that appear on the certified list submitted by the ACO for program operations, such as assignment or quality reporting sampling. Please review our [ACO Participant List and Participant Agreement Guidance](#) regarding changes in ACO participants and ACO providers/suppliers during the performance year to learn about which program operations are dependent on the certified ACO Participant List.

Q4. If our practice signs an agreement with an ACO as an “other entity,” will we qualify for Merit-based Incentive Payment System (MIPS) incentive payments under the Alternative Payment Model (APM) standard through ACO quality reporting?

No, “other entities” do not qualify for a MIPS incentive under the APM scoring standard. Only ACO participants on the certified ACO Participant List can qualify for a MIPS incentive under the APM scoring standard. “Other entities” must participate in MIPS under the regular program, including reporting quality data under one of the available group or individual reporting options.

Q5. What must the agreement between the ACO and an “other entity” contain?

Agreements between an ACO and an “other entity” must contain an explicit requirement that the “other entity” agrees to comply with the Shared Savings Program rules (42 CFR § 425.210). CMS recommends that the agreement also include authority for the ACO to terminate the agreement unilaterally if the “other entity” fails to comply with program rules.

Q6. If our practice signs an agreement with the ACO as an “other entity,” will we qualify for shared savings?

Whether an “other entity” qualifies for shared savings is up to the ACO’s discretion. The ACO decides how to use or share savings resulting from an ACO’s participation in the Shared Savings Program. Carefully review the “other entity” agreement you make with the ACO to make sure you understand how the ACO plans to share savings.