



## **CMS Statement Regarding the Retroactive Withdrawal Policy and the new Participation Agreement for BPCI Advanced**

On Thursday, August 1, 2018, CMS announced that a new version of the BPCI Advanced Participation Agreement would be distributed to Applicants to incorporate the “Retroactive Withdrawal Policy” that had been previously announced on July 6, 2018.

**From:** CMS BPCIAdvanced

**Sent:** Wednesday, August 1, 2018 4:46 PM

**Subject:** Retroactive Withdrawal Termination Policy Message

Greetings,

This email is to address questions we have received regarding the one-time retroactive withdrawal policy we announced on July 6, allowing Participants to retroactively remove Downstream Episode Initiators and/or Clinical Episodes from the Participant Profile in March 2019. As a reminder, Participants that remove Downstream Episode Initiators and/or Clinical Episodes from the initial Participant Profile by March 1, 2019, will not be held accountable for those Clinical Episodes initiated prior to that date.

We stated in the announcement that CMS will request any Convener Participant that a withdrawal of all Clinical Episodes or Downstream Episode Initiators or a Non-Convener Participant that retroactively withdraws all Clinical Episodes to terminated their participation in the Model. Therefore, the termination provision in Article 21.1 of the Participation Agreement will apply.

This means that if a Participant terminates the Participation Agreement in March 1, 2019, by withdrawing all Downstream Episode Initiators and/or all Clinical Episodes from the Participant Profile, that Participant will not be allowed to reapply as either a Convener Participant or a Non-Convener Participant during the next enrollment period in the Spring of 2019, for participation beginning Model Year 3 - January 1, 2020. This prohibition on reapplying applies regardless of whether the application would include new Downstream Episode Initiators on its subsequent application or not. For example, if a Convener Participant withdraws all Downstream Episode Initiators on March 1, 2019, that Convener Participant would not be able to apply as a Non-Convener Participant in Spring 2019, or as a Convener Participant with all new proposed Downstream Episode Initiators. If, however, the Convener Participant entered into multiple Participation Agreements with CMS, the Convener Participant would not be precluded from adding new Episode Initiators to the Participant Profile for Model Year 3 for any non-terminated Participation Agreement.

Participants that choose to terminate their Participation Agreement in March 2019, under this policy, must submit their notice of termination letter (CMS will waive the 90 days prior notice requirement). If the Participant is not terminating their Participation in the Model, but withdrawing some of their

Downstream Episode Initiators or Clinical Episodes, then a Q2 2019 Participant Profile must be submitted. All required documents must be submitted via the Participant Portal no later than March 1, 2019.

We would like to inform all Applicants that at this time CMS does not intend to have additional enrollment periods for Model Years 4 or 5. Therefore, we expect that the only opportunity for new enrollment will take place in spring 2019 to start participation in Model Year 3 - beginning January 1, 2020. Additionally, Model Year 4 (2021) is the last time we expect permitting that any changes may be made to the Participant Profile. We encourage Applicants to consider this information when making decisions regarding the one-time retroactive withdrawal policy announced on July 6.

We will be distributing a new BPCI Advanced Participation Agreement to Applicants as soon as practicable. The only changes that will be made to the Participation Agreement are those necessary in order to implement this policy. The submission deadline for Participant Profiles will remain August 8, 2018. However, we will push back the deadline for the submission of executed Participation Agreements to allow for adequate time to review the changes to the Participation Agreement.

Thank you,

CMS BPCI Advanced Team