

Availability of the CMS-Sponsored Models Safe Harbor (42 CFR § 1001.952(ii))

A. CKCC Option

CMS has determined that, beginning January 1, 2022, the anti-kickback statute safe harbor for CMS-sponsored model arrangements (42 CFR § 1001.952(ii)(1)) is available to protect certain KCE financial arrangements between or among the KCE, one or more KCE Participants, one or more Preferred Providers, or a combination thereof, provided that such arrangements comply with the requirements set forth in Section 3.04.O.1 of the KCC Model CKCC Options Model Performance Period Participation Agreement (“CKCC Participation Agreement”). Unless otherwise specified, capitalized terms have the meaning set forth in the CKCC Participation Agreement.

Further, CMS has determined that, beginning January 1, 2022, the anti-kickback statute safe harbor for CMS-sponsored model patient incentives (42 CFR § 1001.952(ii)(2)) is available to protect certain in-kind patient incentives and Beneficiary Engagement Incentives furnished by a KCE, KCE Participant, or Preferred Provider, to an Active KCE Beneficiary, provided that such incentives are provided in a manner that complies with the requirements set forth in Section 5.08.B of the CKCC Participation Agreement.

See also [the fraud and abuse waiver webpage](#) for additional information about fraud and abuse protections for certain startup arrangements entered into by a KCE that participated in the Implementation Period of the CKCC Option of the Model.

B. KCF Option

CMS has determined that, beginning January 1, 2022, the anti-kickback statute safe harbor for CMS-sponsored model patient incentives (42 CFR § 1001.952(ii)(2)) is available to protect certain in-kind patient incentives and Beneficiary Engagement Incentives furnished by a Practice or a KCF Nephrology Professional to an Active KCF Beneficiary, provided that such incentives are provided in a manner that complies with the requirements set forth in Section 10.06.b of the KCC Model KCF Option Participation Agreement (“KCF Participation Agreement”). Unless otherwise specified, capitalized terms in this paragraph have the meaning set forth in the KCF Participation Agreement.