CMS proposes rule to strengthen accountable care organizations

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On December 1, the Centers for Medicare & Medicaid Services (CMS) issued a proposed rule aimed at updating and improving the Medicare Shared Savings Program (MSSP). Proposed changes include modifications to:

- Focus beneficiary assignment on primary care by (i) removing from the beneficiary assignment process certain specialties whose services are not likely to be primary care and (ii) including nurse practitioners, physician assistants and clinical nurse specialists
- Streamline beneficiary claims data sharing by having beneficiaries indicate their data sharing preferences directly to CMS using a 1-800 number
- Establish alternative financial benchmarks to determine savings such as market-based benchmarks
- Encourage accountable care organizations (ACOs) to take on greater performance-based risk by creating a new “track 3” model integrating some elements of the Pioneer ACO model, such as prospective beneficiary attribution and higher savings rates
- Modify ACO eligibility requirements, including agreements with ACO participants, governing body and leadership requirements, and care coordination
- Allow ACOs the flexibility to elect to renew for an additional term using the one-sided risk track, but at a lower sharing rate

The proposed rule is part of CMS’ continued commitment to reward value and care coordination versus volume and care duplication. The proposed rule is based on feedback from MSSP participants, as well as industry experts, consumer groups and community stakeholders. CMS is seeking comments on the proposed rule through February 6, 2015.

Currently, the MSSP includes more than 330 ACOs in 47 states caring for more than $4.9 billion Medicare fee-for-service beneficiaries. According to CMS’ recent release of first year MSSP results on November 7, 2014, 58 ACOs had expenditures below their benchmarks, saving a total of $705 million and earning savings payments of more than $315 million. Another 60 ACOs spent below their benchmarks but did not save enough to earn savings payments.

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