

## ACO Participant Compliance Training Policy

Steward National Care Network (SNCN)

Policy Number: 7.05

Publication Date: June 15, 2020

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### Policy

In accordance with 42 CFR § 425.300 and the ACO Participation Agreement, it is the policy of SNCN to ensure compliance training is provided to all Accountable Care Organization (ACO) Participants. The purpose of such training is to communicate SNCN's commitment to compliance and the role that each ACO Participant has in identifying risk of noncompliance, which may also reduce the potential for fraud, waste, and abuse.

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### Scope

This policy applies to all SNCN ACO Participants.

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### Definitions

Accountable Care Organization (ACO) – a legal entity that is recognized and authorized under applicable state, federal, or tribal law, is identified by a Taxpayer Identification Number (TIN), and is formed by one or more ACO Participant(s) that is/are defined at 42 CFR § 425.102(a) and may also include any other ACO Participants described at 42 CFR § 425.102(b).

ACO Participant – an entity identified by a Medicare-enrolled billing TIN through which one or more ACO Providers/Suppliers bill Medicare, that alone or together with one or more other ACO Participants compose an ACO, and that is included on the list of ACO Participants that is required under 42 CFR § 425.118.

- ACO Provider – a hospital, skilled nursing facility, outpatient rehabilitation facility, home health agency, or hospice that is Medicare-enrolled and bills for items and services furnished to Medicare fee-for-service beneficiaries under a Medicare billing number assigned to the TIN of an ACO Participant in accordance with applicable Medicare regulations, and is included on the list of ACO Providers/Suppliers that is required under 42 CFR § 425.118.
- ACO Supplier – a physician or other practitioner, or an entity other than a provider, who is Medicare-enrolled and bills for items and services furnished to Medicare fee-for-service beneficiaries under a Medicare billing number assigned to the TIN of an ACO Participant in accordance with applicable Medicare regulations, and is included on the list of ACO Providers/Suppliers that is required under 42 CFR § 425.118.

ACO Participant Agreement (“Agreement”) – the written agreement (as required by 42 CFR § 425.116) between the ACO and ACO Participant in which the ACO Participant agrees to participate in, and comply with, the requirements of the MSSP.

Performance Year – the 12-month period beginning on January 1 of each year during the Agreement period.

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## Procedures

### Annual ACO Participant Compliance Training

1. Annual SNCN compliance training content is prepared by SNCN in collaboration with the Office of Corporate Compliance & Privacy (OCCP). Content is reviewed and revised (as needed) at least annually to reflect changes in regulations and/or compliance requirements related to the MSSP.
2. Annual SNCN compliance training content is reviewed by the SNCN Compliance Committee and the SNCN Board of Directors prior to dissemination.
3. Annual SNCN compliance training content includes, but is not limited to, information from and/or regarding the following:
  - a. Applicable federal and state laws, regulations, and subregulatory guidance;
  - b. ACO Participation Agreement requirements;
  - c. The *Steward Health Care System LLC Code of Conduct*; and
  - d. Elements from the *SNCN Compliance & Privacy Program Plan* including:
    - i. What constitutes program violations;
    - ii. How to recognize violations; and
    - iii. How to report compliance issues and possible violations.
4. All ACO Participants receive training content annually during the Performance Year and are notified that it is their responsibility to complete the training by the end of the Agreement period. The training content and associated notice are delivered via one or more methods including email, newsletter, in-person sessions, ACO Participant onboarding materials, website publication, and/or other published material.
5. ACO Participants added to the ACO Participant list during a Performance Year are also expected to complete the training requirement by the end of the Agreement period.
6. ACO Participants who are employed by Steward Health Care receive annual compliance training via the internal learning management platform (Steward University) as described in Steward’s Human Resources policy, *HR 03 – Mandatory Education and Discipline for Failure to Complete Education*.
7. SNCN documents all training activity including dissemination efforts and associated dates, and reports progress to the SNCN Compliance Committee and the SNCN Board of Directors at regularly scheduled meetings.

### **Annual ACO Participant Compliance Training Completion Expectations**

It is the expectation of SNCN and its Board of Directors that all ACO Participants complete the annual SNCN compliance training by the end of the Agreement period in compliance with 42 CFR § 425.300 and the Agreement. SNCN reserves the right to request confirmation of training completion. Failure to comply could result in remedial action, including imposition of a corrective action plan and/or termination of the Agreement.

### **Record Retention Expectations**

SNCN retains all ACO Participant training records and expects ACO Participants to retain all training records for a period of 10 years from the final date of the Agreement period or from the data of completion of any related audit, evaluation, or inspection, whichever is later, in accordance with 42 CFR § 425.314.

### **Specialized Training for ACO Participants**

1. During the Performance Year, additional, specialized training may be provided to all or certain ACO Participants based on specific functions for which the training applies (e.g., payment rule waivers employed by the ACO in accordance with 42 CFR § 425.612) and/or due to changes to laws, regulations, and/or subregulatory guidance.
2. Specialized training content may be delivered via one or more methods including email, newsletter, in-person sessions, ACO Participant onboarding materials, website publication, and/or other published material.
3. SNCN documents all specialized training activity including dissemination efforts and associated dates, and reports progress to the SNCN Compliance Committee and the SNCN Board of Directors at regularly scheduled meetings.

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## **References and Related Policies**

- 42 CFR § 425.102(a)-(b)
- 42 CFR § 425.116
- 42 CFR § 425.118
- 42 CFR § 425.300
- 42 CFR § 425.314
- 42 CFR § 425.612
- ACO Participation Agreement
- SNCN Compliance & Privacy Program Plan
- Steward Health Care System LLC Code of Conduct
- HR 03 – Mandatory Education and Discipline for Failure to Complete Education

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<b>Policy effective date</b>	6/10/20
<b>Review/revision dates</b>	May, 2021
<b>Approved by</b>	SNCN Compliance Committee, SNCN Board of Directors