



Effective Date: 4/8/20

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| <b>Innovative Health Alliance of New York, LLC</b> |
| <b>Category: MSSP Compliance</b>                   |
| <b>AVOIDANCE OF AT-RISK PATIENTS</b>               |

## **POLICY**

It is the Policy of Innovative Health Alliance of New York, LLC (IHANY) that IHANY and its ACO participants, ACO providers/suppliers, and other individuals or entities performing functions or services related to ACO activities will not take steps to avoid or underutilize care for at-risk patients in order to reduce costs to IHANY. This includes denying or stinting on medically necessary services to at-risk patients.

## **DEFINITIONS**

**ACO Participant** means an individual or group of ACO provider(s)/supplier(s) that is identified by a Medicare-enrolled Tax Identification Number (TIN), that alone or together with one or more other ACO participants comprise(s) and ACO, and that is included on the required list of ACO participants. [directly from CFR 425.20]

**ACO Provider/Supplier** means an individual or entity that is a provider or a supplier that is enrolled in Medicare, that bills for items or services it furnishes to Medicare fee-for-service beneficiaries under a Medicare billing number assigned to the TIN of an ACO participant, and that is included on the required list of ACO providers/suppliers. [directly from CFR 425.20]

**At-risk patient** means, but is not limited to, a beneficiary who: (1) has a high risk score on the CMS-HCC risk adjustment model; (2) is considered high cost due to having two or more hospitalizations or emergency room visits each year; (3) is dually eligible for Medicare and Medicaid; (4) has a high utilization pattern; (5) has one or more chronic conditions; (6) has had a recent diagnosis that is expected to result in increased cost; (7) is entitled to Medicare or Medicaid because of disability; or (8) is diagnosed with a mental health or substance abuse disorder. [CFR 452.20]

## **RESPONSIBLE DEPARTMENT**

Further guidance concerning this Policy may be obtained from the Integrity and Compliance or Legal Departments.

## **RELATED PROCEDURES AND OTHER MATERIALS**

- 42 C.F.R. § 452.20. Definition of At-Risk Beneficiary
- 42 C.F.R. § 425.316. Monitoring of ACO avoidance of at-risk beneficiaries.

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| <b>Approving Official:</b> IHANY Board                          |  | <b>Effective Date:</b> 4/8/2020  |
| <b>Key Sponsor:</b> IHANY Integrity & Compliance Officer        |  |  |
| <b>Reviewed By:</b> SPHP Integrity & Compliance<br>IHANY COO    |  | <b>Original Date:</b> 9/21/2015<br><b>Reviewed/Revised Date:</b><br>4/16/2018 – reviewed<br>4/8/2020- reviewed/revised |
| <b>Search Terms:</b> at risk, mssp                              |  | <b>*Reviewed, No Revisions</b><br><b>**Revised without Full Review</b>   |
| <b>Replaces:</b> IHANY – Avoidance of At-Risk Patients, 4/16/18 |  |  |