

BJC HEALTHCARE ACCOUNTABLE CARE ORGANIZATION POLICY

APPLIES TO:	BJC HealthCare Accountable Care Organization
TITLE:	BJC HealthCare Accountable Care Organization Marketing
NUMBER:	No.5
PURPOSE:	To ensure that BJC HealthCare Accountable Care Organization utilizes marketing practices compliant with all applicable laws and regulations.

I. Statement of Policy

The purpose of this policy is to describe the process by which BJC HealthCare Accountable Care Organization ("BJC ACO") approves marketing plans of its members according to the requirements of the Medicare Shared Savings Program ("MSSP") as governed by the Center for Medicare and Medicaid Services ("CMS").¹

II. Scope of Policy

The policy applies to the BJC ACO and all BJC ACO Participants.

III. Definitions

Under the MSSP, Marketing materials and activities include the following:

"...[G]eneral audience materials such as brochures, advertisements, outreach events, letters to beneficiaries, Web pages, data sharing opt out letters, mailings, social media, or other activities conducted by or on behalf of the ACO, or by ACO participants, or ACO providers/suppliers participating in the ACO, when used to educate, solicit, notify, or contact Medicare beneficiaries or providers and suppliers regarding the Shared Savings Program."²

CMS has established a formal review process ACOs are required to follow to ensure all marketing materials and activities conforming to this definition are appropriate.

IV. Policy

All prospective MSSP-related marketing materials or activities, or any materials or activities

¹ See Marketing requirements at 42 CFR 425.310, available here: https://gov.ecfr.io/cgi-bin/text-idx?SID=71e9ff9a24d29287688495037eb69db3&mc=true&node=pt42.3.425&rgn=div5#se42.3.425_1310.

² See full definition at 42 CFR 425.20, available at link above.

suspected of meeting the definition of such described above, must be submitted to the BJC ACO Compliance Officer or Program Director for review. The Compliance Officer or Program Director will review the nature of the materials per CMS definitions and either approve or submit to CMS for formal review as appropriate.

VI. Responsibility of All BJC Employees and all Employees of ACO

All ACO participants and their respective employees or agents are responsible for being aware of, and complying with ACO policies and procedures. Questions or issues regarding the policies shall be directed to the ACO Program Director or the ACO Compliance Officer.

VII. Legal Services Department Review, Approval and Assistance

Any exception, change or deviation from this Policy must be reviewed and approved by the ACO Compliance Officer. The ACO Compliance Officer or ACO Program Director will be available to answer any questions and to provide assistance and advice to ACO members concerning this Policy.

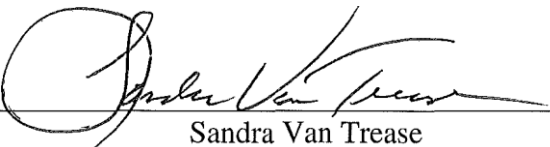
RECOMMENDED BY: BJC HealthCare ACO Board of Managers

EFFECTIVE DATE: May 2012 (Original)

REVISED DATE: January 1, 2020

REVIEWED: January 30, 2020

AUTHORIZED BY: Sandra Van Trease



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