

The BJC ACO COMPLIANCE PLAN

As part of your participation in the BJC ACO, you/your employer must agree to comply with all federal and state laws and regulations applicable to accountable care organizations (“ACOs”) within the Medicare Shared Savings Program (“MSSP”).¹ To ensure compliance, the BJC ACO has developed a Compliance Plan (“the Plan”) and supporting Compliance Policies (“the Policies”) as proscribed at 42 CFR 425.300 and in related rulemaking. The plan and policies are not intended to replace any compliance plan and policies that you/your employer currently have in place. The BJC ACO plan and policies are intended to guide your conduct when participating in BJC ACO activities, particularly under the MSSP. Should there be a conflict between you/your employers existing compliance plans and/or policies and those of the ACO, the BJC ACO Plan and Policies must take precedent when required by applicable federal law or regulation.

The Centers for Medicare and Medicaid Services (CMS) has five requirements for ACO Compliance Plans under the MSSP. The BJC ACO Compliance Plan fulfills the requirements in the manner described below:

- **A compliance officer:** the BJC ACO compliance officer is available to assist you with any compliance questions related to your participation in the ACO or the MSSP. For assistance in contacting the officer, please call (314) 286-2134.
- **Mechanisms for identifying and addressing compliance problems:** the BJC ACO utilizes and follows the BJC Corporate Compliance Plan and the ACO Policies to assist BJC ACO participants in managing compliance concerns.
- **A method for employees or contractors to anonymously report compliance concerns:** the BJC ACO uses EthicsPoint (an outside vendor) to provide a simple method for anonymously reporting a compliance concern. Either call 1-800-525-2521 or visit <https://secure.ethicspoint.com/domain/media/en/gui/22772/index.html>
- **A compliance training program:** The Plan and Policies, with direct Participant support from the BJC ACO Compliance Officer and BJC ACO staff, constitute the BJC ACO Compliance Training Program. BJC ACO participants will receive these materials upon joining the BJC ACO and are responsible for reviewing, understanding, and adhering to their content, and/or contacting the BJC ACO Compliance Officer with any questions or concerns. You/your employer may also access the BJC ACO Compliance Plan and Policies via the BJC ACO website at any time. They are located under the “Resource” tab on the “For Providers” page.²

The BJC ACO Compliance Policies consist of the following:

1. BJC ACO Conflict of Interest policy
2. BJC ACO MSSP Waivers policy
3. BJC ACO policy on internal data sharing under the MSSP

¹ 42 CFR 425—Medicare Shared Savings Program, available here: <https://gov.ecfr.io/cgi-bin/text-idx?SID=71e9ff9a24d29287688495037eb69db3&mc=true&node=pt42.3.425&rgn=div5#sp42.3.425.a>

² <https://www.bjc.org/ACO/For-Providers/Resources>

4. BJC ACO Participant Education policy
5. BJC ACO Marketing policy
6. BJC ACO Records Retention policy under the MSSP
7. BJC Code of Conduct

It is important that you read the policies carefully as CMS has strict guidelines, especially regarding sharing MSSP patient data and MSSP-related patient marketing. In order for BJC ACO Participants to avail themselves of the various Program Waivers allowed under the MSSP, the BJC ACO and all Participants must maintain compliance with all Waiver requirements.

- **Violations of the law must be reported:** all BJC ACO Participants must report any probable violations of the law to the BJC ACO Compliance Officer or Program Director. The BJC ACO is committed to a policy of no retaliation for any good faith report of a probable violation.

In addition to maintaining and executing a Compliance Plan and Policies, CMS requires that all MSSP participants post signs in their facilities notifying beneficiaries that the ACO providers/suppliers are participating in the MSSP. The BJC ACO has a standard CMS-approved sign and small patient flier for all BJC ACO Participants to use in their practice locations as needed. These will be distributed to BJC ACO Participants upon joining the BJC ACO and subsequently as the MSSP requires.


RECOMMENDED BY: BJC HealthCare ACO Board of Managers

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