

## Beneficiary Notifications and Data Sharing Preferences

Effective Date: 01/01/2018

### Policy

- A. It is the policy of the ACO to provide initial notification to Beneficiaries of their alignment to the ACO for the Performance Year.

### Applicability

This policy and procedure applies to all Next Generation Participants, Preferred Providers, Next Generation Professionals, and other individuals or entities performing functions or services related to the ACO's activities.

### Procedure

- A. **Beneficiary Notification Mailings:** within 30 days after CMS has provided the ACO with its Next Generation Beneficiary alignment list for a Performance Year, the ACO shall provide Beneficiaries notice in writing that they have been aligned to the ACO for the Performance year.
  1. CMS shall provide the ACO with a template letter indicating letter content that the ACO shall not change and places in which the ACO may insert its own original content.
    - a. Pursuant to the Next Generation ACO Model Agreement and the ACO's Policy: Oversight of Marketing Materials and Activities, the final notification letter content must be approved by Compliance and CMS prior to sending letters to Beneficiaries.

Collaborative Health Systems (CHS) will work in conjunction with ACO Participants and Providers/Suppliers to establish the most accurate demographic data for initial Beneficiary mailings. The mailings will be provided by CHS per the CHS mail out process policy.

#### B. Posters

Posters are provided by the ACO to hang in provider's offices that inform Beneficiaries that those providers are participating in the ACO. The offices display the posters in prominent places such as waiting areas.

- C. **Beneficiary Rights to Opt Out of Data Sharing:** The ACO shall provide Beneficiaries who inquire about and wish to modify their data sharing preferences information about how to modify their sharing preferences via 1-800-MEDICARE.
  1. The ACO allows Beneficiaries to reverse a data sharing preference at any time. They can accomplish this by calling 1-800-MEDICARE.

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2. Participating providers will also develop an appropriate method to track that the information has been provided to the assigned Beneficiaries.
3. Program structure and data sharing should be discussed with the Beneficiary and/or Beneficiary representative as an educational and decision-making opportunity. The following information should be provided:
  - a. The benefits of an ACO created by a focus on patient-centered care;
  - b. The rights of the Beneficiary to decline having Medicare share his/her health information at any point; and,
  - c. Notice that Beneficiaries may change their data sharing preferences at any time. If the Beneficiary requests to change his/her status after the initial notification, then the Beneficiary will need to complete and return the Consent to Change Personal Health Information Preference form.
- D. **Beneficiary Substance Abuse Data Opt-In:** Regulations allow that a Beneficiary may opt in to substance abuse data sharing only by submitting a CMS-approved substance abuse opt in form to the ACO, however, the ACO neither requests nor receives substance abuse claims data from CMS.
- E. The ACO may contact a Beneficiary who has elected to decline data sharing **once** in a given Performance Year to provide information regarding data sharing. This includes, but is not limited to: mailings, phone calls, electronic communications or other methods of communicating with Beneficiaries outside of a clinical setting.
  1. Any communications used to contact Beneficiaries for this purpose must be approved by Compliance and CMS.

### Reporting

- A. All reports related to data sharing must be sent to CHS.

### Related Documentation

- A. Next Generation ACO Model Participation Agreement Sections V.E, VI.C-D
- B. ACO Notification Letter
- C. ACO Terms & Definitions Policy
- D. Beneficiary Privacy & Security Policy

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- E. Beneficiary Rosters
- F. Accountable Care Organizations and You (CMS FactSheet)
  
- G. In-office Notification Memo
- H. Medical Records Policy
- I. Privacy & Security of Beneficiary Data Policy
- J. Social Security Act Sec. 1899

### Additional Guidance

Medicare contact information: 1-800 MEDICARE (1-800-633-4227). TTY users should call 877-486-2048; [www.medicare.gov/acos.html](http://www.medicare.gov/acos.html).