

## Record Retention Requirements

Effective Date: 01/01/2018

### Policy

- A. It is the policy of the ACO to comply with relevant federal and state regulations governing document retention. This will include, but is not limited to, the Next Generation ACO Model Participation Agreement between CMS and the ACO and the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule.

### 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. The ACO will:
  1. Maintain and give CMS, the Department of Health and Human Services (DHHS), the Comptroller General, the Federal Government or their designees access to all books, contracts, records, documents, and other evidence (including data related to Medicare utilization and costs, quality performance measures, and other financial arrangements related to ACO activities) sufficient to enable the Next Generation ACO Model Participation Agreement, the quality of services performed, right to and distribution of any shared savings payment, or obligation to repay any Shared Losses or Other Monies Owed to CMS; and,
  2. Maintain such books, contracts, records, documents, and other evidence for a period of 10 years from the expiration or termination of the Next Generation ACO Model Participation Agreement between the ACO and CMS, or from the date of completion of any audit, evaluation, inspection, or investigation whichever is later, unless—
    - a. CMS determines there is a special need to retain a particular record or group of records for a longer period and notifies the ACO at least 30 days before the normal disposition date; or,
    - b. There has been a termination, dispute, or allegation of fraud or similar fault against the ACO, its Next Generation Participants, Preferred Providers, Next Generation Professionals or other individuals or entities performing functions or services related to ACO activities, in which case ACOs must retain records for an additional 6 years from the date of any resulting final resolution of the termination, dispute, or allegation of fraud or similar fault.

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- B. The ACO will also require all Next Generation Participants, Preferred Providers, Next Generation Professionals and other individuals or entities performing functions or services related to the ACO's activities to do comply with Section 1, above.
- C. Documents that are no longer in use will be appropriately archived by the ACO in a manner consistent with their record keeping practices and prevailing regulatory guidelines.
- D. Archived files are retained for a period of ten (10) years from the end date of an ACO contract or the completion date of an audit, whichever is later, in accordance with the Next Generation ACO Model Participation Agreement.

### Reporting

- A. N/A

### Related Documentation

- A. Next Generation ACO Model Participation Agreement Section XVIII.B
- B. ACO Terms & Definitions Policy
- C. Compliance Plan
- D. Health Insurance Portability and Accountability Act (HIPAA):  
[https://www.cms.gov/HIPAAgenInfo/02\\_TheHIPAALawandRelated%20Information.asp](https://www.cms.gov/HIPAAgenInfo/02_TheHIPAALawandRelated%20Information.asp)
- E. Medical Records Policy
- F. Privacy & Security of Beneficiary Data Policy

### Additional Guidance

If CMS determines there is a special need to retain a particular record or group of records for a longer period, CMS must provide thirty (30) days before the normal disposition date.