

BEST CARE COLLABORATIVE, LLC
RESOLUTION
May 31, 2018

RE: Determination that Provider Activity-Based Incentive Payment Program (\$3-2-1 Plan) is Reasonably Related to the Purposes of the Next Generation ACO Program

WHEREAS, Best Care Collaborative, LLC currently participates in the Next Generation Medicare Shared Savings Program (“NGACO”) for a three-year period which began on January 1, 2018;

WHEREAS, the U.S. Department of Health and Human Services' Centers for Medicare & Medicaid Services and Office of Inspector General have promulgated a NGACO participation waiver (“Participation Waiver”) that waives the application of the federal physician self-referral law, the federal health care program anti-kickback statute, and certain federal civil monetary penalty laws as to certain financial arrangements involving Next Generation ACOs;

WHEREAS, the Participation Waiver requires that the ACO’s governing body make and duly authorize a *bona fide* determination that the financial arrangements to be protected by the Participation Waiver are reasonably related to the purposes of the NGACO;

WHEREAS, the Participation Waiver further requires that the financial arrangements be disclosed on the ACO’s website;

WHEREAS, the purposes of the NGACO are promoting accountability for the quality, cost, and overall care for a Medicare patient population as described in the NGACO; managing and coordinating care for Medicare fee-for-service beneficiaries through an ACO; and encouraging investment in infrastructure and redesigned care processes for high quality and efficient service delivery for patients, including Medicare fee-for-service beneficiaries;

WHEREAS, the Board has been presented with and had an opportunity to consider and thoughtfully discuss an arrangement under which Best Care Collaborative will provide financial incentives for certain key activities by its physician providers, to drive ACO success and provide funds that can be utilized for investment in infrastructure and redesigned care processes (The \$3-2-1 Plan”); and,

WHEREAS, Best Care Collaborative’s goals in providing the \$3-2-1 Plan are to (1) encourage participating providers to adhere to the quality assurance and improvement program and evidence-based clinical guidelines association with the Best Care Collaborative ACO and its participation on the NGACO, (2) promote accountability for the quality, cost and overall care for Best Care Collaborative ACO’s attributed beneficiaries by assisting with meeting requirement for reporting on quality and cost measures, (3) support the NGACO aims of better care for individuals, better health for populations and lower growth in expenditures, and (4) encourage the investment in infrastructure and redesigned care processes for high quality and efficient service delivery for patients, including Medicare beneficiaries.

BE IT THEREFORE RESOLVED that the Board of Managers hereby makes a *bona fide* determination that the \$3-2-1 Plan is reasonably related to the purposes of the NGACO.

FURTHER RESOLVED that Best Care Collaborative, LLC shall publicly disclose the \$3-2-1 Plan in a form and manner that is consistent with the CMS regulatory guidance to ensure transparency of this arrangement.