

Accountable Care Organization (ACO) Compliance Plan: BJC West

EXCLUSIONS

- All BJC East Health Service Organizations
- All Saint Luke’s Health System member-hospitals
- Saint Luke’s Home Health and Hospice
- The BJC HealthCare ACO, LLC (operating in the BJC Health East Region)
- Any other BJC Health-member Health Service Organization or affiliated institution or provider not participating in the Medicare Shared Savings Program through the BJC Saint Luke’s ACO

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PURPOSE AND SCOPE

As part of your participation in the BJC Saint Luke’s ACO (the “ACO”), the 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”). To ensure compliance, the ACO has developed a Compliance Plan (“the Plan”) and supporting Compliance Policies (“the Policies”) as prescribed at 42 CFR 425.300 and in related rulemaking.

The plan and policies are not intended to replace any compliance plan and policies that the employer currently has in place. The ACO plan and policies are intended to guide conduct when participating in ACO activities, particularly under the MSSP. Should there be a conflict between the employer’s existing compliance plans and/or policies and those of the ACO, the ACO Plan and Policies must take precedent when required by applicable federal law or regulation.

PLAN INFRASTRUCTURE

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

Referencing this document in the electronic policy management system will ensure you are reviewing the current version.

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- **A compliance officer:** the ACO Compliance Officer reports to the BJC Saint Luke's ACO Board of Managers and is responsible for overseeing execution of the ACO's Compliance Plan, including the elements identified below. The ACO Compliance Officer is also responsible for maintaining the Compliance Plan and Policies to reflect changes in the law and regulations. The Compliance Officer is available to assist with any compliance questions related to participation in the ACO or the MSSP. The Compliance Officer may be contacted by calling 314-362-4855 or via email at compliance@bjc.org.
- **Mechanisms for identifying and addressing compliance problems:** the ACO follows the ACO Compliance Policies and the BJC Corporate Compliance Plan and Policies to assist ACO Participants and ACO staff in managing compliance concerns. The ACO Compliance Officer retains responsibility for cataloguing all ACO compliance concerns, including investigations of the nature, origin and resolution of such. The ACO also retains audit support from BJC Audit Services as appropriate.
- **A method for employees or contractors to anonymously report compliance concerns:** the BJC Saint Luke's ACO uses BJC EthicsPoint to provide an anonymous method for reporting compliance concerns. Concerns may be reported by calling 1-800-525-2521 or by visiting <https://bjc.ethicspoint.com>. There will be no retribution or retaliation for credible reporting of improper or unlawful conduct; failure to report such conduct is a potential violation of the ACO Compliance Plan.
- **A compliance training program:** The Plan and Policies, with direct Participant support from the BJC Saint Luke's ACO Compliance Officer and ACO staff, constitute the ACO Compliance Training Program. ACO participants will receive these materials upon joining the ACO and are responsible for reviewing, understanding, and adhering to their content, and/or contacting the ACO Compliance Officer with any questions or concerns. The ACO Compliance Plan and Policies can be accessed via the [BJC Saint Luke's](#) ACO website. Policies are located under the "For Providers" page. The BJC Saint Luke's ACO Compliance Policies consist of the following:
 1. Accountable Care Organization (ACO) Compliance Education: BJC West (Participant Education)
 2. Accountable Care Organization (ACO) Conflict of Interest Policy: BJC West
 3. Accountable Care Organization (ACO) Marketing: BJC West
 4. Accountable Care Organization (ACO) Medicare Shared Savings Program (MSSP) Data Sharing for Internal Use: BJC West
 5. Accountable Care Organization (ACO) MSSP Waiver Policy (Medicare Shared Savings Program): BJC West
 6. Accountable Care Organization (ACO) Retention of Records Policy: BJC West
 7. Code of Conduct: BJC Health
- **It is important that all ACO employees read and understand the policies as CMS has strict guidelines**, especially regarding sharing MSSP patient data and MSSP-related patient marketing.

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In order for ACO Participants to avail themselves of the various Program Waivers allowed under the MSSP, the ACO and all Participants must maintain compliance with all Waiver requirements.

- **Violations of the law must be reported:** All ACO Participants must report any possible violations of the law to the ACO Compliance Officer or Program Director. Reporting may be done anonymously through the methods described above. The ACO is committed to a policy of no retaliation for any good faith report of a possible violation. The ACO Compliance Officer retains responsibility for reporting violations to the appropriate government authorities.

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 ACO has a standard CMS-approved sign and small patient flier for all ACO Participants to use in the practice locations as needed. These will be distributed to ACO Participants upon joining the BJC Saint Luke's ACO and subsequently as the MSSP requires.

DEFINITIONS

N/A

RELATED POLICIES, STANDARDS, DOCUMENTS

- Accountable Care Organization (ACO) Compliance Education: BJC West
- Accountable Care Organization (ACO) Conflict of Interest Policy: BJC West
- Accountable Care Organization (ACO) Marketing: BJC West
- Accountable Care Organization (ACO) Medicare Shared Savings Program (MSSP) Data Sharing for Internal Use: BJC West
- Accountable Care Organization (ACO) MSSP Waiver Policy (Medicare Shared Savings Program): BJC West
- Accountable Care Organization (ACO) Retention of Records Policy: BJC West
- [BJC Health Compliance Program - Code of Conduct, Program Elements and Compliance Handbook: Enterprise](#)

REFERENCES

1. 42 CFR 425.300—Medicare Shared Savings Program Compliance Plan:
<https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-B/part-425/subpart-D/section-425.300>.
2. <https://www.saintlukeskc.org/patients-visitors/bjc-saint-lukes-accountable-care-organization-aco/providers>

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APPENDIX

N/A