

## **Medicare Shared Savings Program ACO Beneficiary Notification Process**

The 2015 Medicare Shared Savings Program Final Rule (42 CFR § 425.312(a) and § 425.708) established requirements for how ACOs notify beneficiaries about changing their option to decline sharing their health care information with ACOs. Beneficiaries must contact 1-800-MEDICARE (1-800-633-4227) to decline sharing their information or to reverse that decision. TTY users should call 1-877-486-2048.

This document highlights how beneficiaries will learn about their option to decline sharing their health care information, including the ACO's role in beneficiary notification.

### **Three Ways Beneficiaries Are Notified of Their Option to Decline Sharing Their Health Care Information**

- 1. Advance notice through CMS materials.** All people with Medicare can learn about the opportunity to decline sharing their health care information with ACOs through the Medicare & You handbook. Every fall, CMS mails the handbook to people with Medicare. It includes information about the purpose of the Medicare Shared Savings Program and ACOs' use of beneficiary information for care coordination purposes. The handbook also tells beneficiaries they may decline sharing their health care information or reverse their decision by contacting CMS directly through 1-800-MEDICARE.
  
- 2. A sign/poster on display at all times in ACO participant facilities.** ACO participants must notify beneficiaries at the point of care that they are participating in the Shared Savings Program, and of beneficiaries' opportunity to decline sharing their health care information. To notify beneficiaries, ACO participants must display, at all times, at least one poster in their facilities where beneficiaries receive primary care services.

CMS has provided a poster template in the Shared Savings Program ACO Marketing Toolkit, on the [Shared Savings Program \(SSP\) ACO Portal](#). The template language includes information about the Shared Savings Program and instructions on how Medicare beneficiaries may decline to share their health care information or reverse their decision by calling 1-800-MEDICARE.

- 3. A written notice available upon request.** ACO participants must make a separate written notification available in their facilities to beneficiaries who ask for additional information. CMS has provided a Beneficiary Information Notice template letter in the Shared Savings Program ACO Marketing Toolkit, on the [SSP ACO Portal](#). The template letter tells beneficiaries at the point of care that their doctor participates in a Shared Savings Program ACO and describes how

ACOs benefit when participating providers coordinate their care. ACOs or their ACO participants should add their contact information and/or logo in the spaces provided in the template and keep printed copies of the notice on hand. No other modifications to the template are allowed. ACOs are not required to submit this or other CMS-provided templates through the [HPMS ACO Marketing module](#) for CMS to review prior to use.

<b>ACO Beneficiary Notification Requirements</b>				
<b>Beneficiary Notification Template Material</b>	<b>Always Required?</b>	<b>Who is Required to Comply</b>	<b>Timing</b>	<b>Regulatory Reference</b>
Poster	Yes	All ACO participants at each of their facilities, at all times.	After instruction from CMS, ACOs should instruct their ACO participants to display the poster.	42 CFR § 425.312(a)
Beneficiary Information Notice	Yes – written notice must be made available by the ACO participant upon a beneficiary’s request, at the point of care.	At facilities where all ACO participants bill Medicare for primary care services (as defined at 42 CFR § 425.20) for fee-for-service Medicare beneficiaries.	After instruction from CMS, ACOs should instruct their ACO participants to make the notice available upon request.	42 CFR § 425.312(a)
Skilled Nursing Facility (SNF) 3-Day Rule Waiver Notice	No – written notice should only be provided when a waiver-eligible beneficiary needs skilled nursing and/or rehabilitation care.	ACO participants in waiver-approved ACOs	After instruction from CMS, ACOs should instruct their ACO participants in waiver-approved ACOs to provide this notice when necessary.	N/A