



Title: Marketing for Medicare Shared Savings Program

Page 1 of 2

Approved by: Scripps Accountable Care, LLC
Management Board

Approval Date: 1/20/2017

PURPOSE

The following policy applies to the Scripps' Accountable Care Organization Medicare Shared Savings Program

DEFINITION

1. ACO participant. Means an individual or group of ACO provider(s)/supplier(s), that is identified by a Medicare-enrolled TIN, that alone or together with one or more other ACO participants comprise(s) an ACO, and that is included on the list of ACO participants
2. ACO provider/supplier. Means an individual or entity that
 - a. Is a provider or a supplier
 - b. Is enrolled in Medicare;
 - c. Bills for items and services it furnishes to Medicare fee-for-service beneficiaries under a Medicare billing number assigned to the TIN of an ACO participant in accordance with applicable Medicare regulations; and
 - d. Is included on the list of ACO providers/suppliers that is required
3. Quick Reference Language Guide. CMS document detailing prohibited phrases and terms

PROCEDURE

1. The Scripps ACO will comply with all marketing requirements set forth by the Centers for Medicare and Medicaid Services (CMS), including but not limited to the following:
 - Deploy template language developed by CMS whenever possible
 - Adhere to Federal Plain Language Guidelines whenever possible
 - Avoid materials that are discriminatory in nature or intended for discriminatory purposes
 - Avoid materials that are materially inaccurate or misleading
 - Comply with all program rules regarding beneficiary inducements
2. The ACO will submit all marketing materials to CMS prior to use in accordance to program guidelines. The Scripps ACO may use marketing materials or conduct marketing activities five days following submission to CMS if (1) CMS does not disapprove the marketing materials or activities and (2) the ACO certifies the materials and activities are in compliance with Medicare Shared Savings Program (MSSP) marketing requirements.
3. Marketing materials and activities will be deemed approved by CMS after expiration of the initial 5 day review period. The Scripps ACO acknowledges that CMS may issue written notice of



**Scripps Accountable Care Organization, LLC
Standard Operating Procedure**

Title: Marketing for Medicare Shared Savings Program

Page 2 of 2

Approved by: Scripps Accountable Care, LLC
Management Board

Approval Date: 1/20/2017

disapproval of marketing materials and activities at any time, including after the expiration of the initial 5 day review period.

4. The Scripps ACO will submit any changes or additions to marketing material to CMS for approval prior to use.
5. ACO participants, provider/suppliers, and another individuals or entities performing functions or services related to the ACO will only use marketing materials or activities provided by the Scripps ACO.
6. ACO participants, provider/suppliers, and another individuals or entities performing functions or services related to the ACO will discontinue use of any marketing materials or activities that are disapproved by CMS.
7. If the ACO participant fails to comply with the Scripps ACO's *Marketing Policy*, the ACO will proceed with the remedial measure outlined in the Scripps ACO Participant Agreement.

RESOURCES

- MSSP Marketing Guidance
- Quick Reference Language Guide