



Policy Title: Descriptive Materials and Activities			
Department Responsible: Compliance and Privacy Department	Policy Number: 1.40	THN's Effective Date: May 24, 2016	Next Review/Revision Date: September 30, 2019
Title of Person Responsible: Chief Compliance Officer	THN Approval Council: THN Board of Managers	Date Approved: May 24, 2016	Revision Approval Council: THN Policy and Review Committee

PURPOSE: This policy is to set forth guidelines to be followed by Triad HealthCare Network when developing and distributing Next Generation ACO information or conducting related activities for Beneficiaries, Participants, Preferred Providers, and the general public.

DEFINITIONS:

Term	Definition
ACO Participant	An entity identified by a Medicare-enrolled billing TIN through which one or more ACO providers/suppliers bill Medicare, that alone or together with one or more other ACO participants compose an ACO, and that is included on the list of ACO participants that is required under 42 C.F.R. § 425.118
ACO Provider/Supplier	An individual or entity that: (1) is a provider or supplier under Medicare regulations; (2) is enrolled in Medicare; (3) bills for items and services furnished to Medicare fee-for-service beneficiaries during the agreement period under a Medicare billing number assigned to the TIN of an ACO participant; and (4) is included on the list of ACO providers/suppliers that is required under 42 C.F.R. § 425.118.
Marketing Materials and Activities	Any goods, commodities or services, but <u>not</u> cash or cash equivalents.

POLICY:

Triad HealthCare Network's (THN) Board of Managers, employees, ACO Participants, ACO Providers/Suppliers, and others acting on behalf of THN (Workforce) shall abide by this policy when developing and distributing information to their beneficiaries, stakeholders and the general public. Certain Descriptive ACO Materials and Activities require approval by the Centers for Medicare & Medicaid Services, which include, but are not limited to, general audience materials such as brochures, advertisements, outreach events, letters to Beneficiaries, web pages, mailings, social media, or other activities conducted by or on behalf of the ACO or its Next Generation Participants or Preferred providers, when used to educate, notify, or contact Beneficiaries regarding the NGACO Model. Certain communications are not considered ACO Materials and Activities, and therefore do not require prior approval by CMS if requirements are met.



PROCEDURE:

1. The workforce shall work with the THN Marketing Manager on the development of all marketing and communication materials and activities intended for beneficiaries, stakeholders and the general public. THN’s Marketing Manager will review all materials and initiate the approval process.
2. The Marketing Manager shall submit all Descriptive Materials and Activities to the Compliance Officer for compliance review and approval based on the CMS NGACO Descriptive Materials and Activities Guidelines.
3. The Compliance Officer shall submit the final version of Descriptive Materials or Activities to the Director of Operations for final approval and use by the network.
4. If the final version requires CMS approval, the Director of Operations will instruct the Marketing Manager to submit the materials to CMS for review and approval.
5. Descriptive ACO Materials or Activities submitted to CMS are deemed approved 10 business days following their submission to CMS if:
 - a. the ACO certifies in writing its compliance with all the marketing requirements under this sections; and
 - b. CMS does not disapprove the Descriptive ACO Materials or Activities. CMS may issue written notice of disapproval of Descriptive ACO Materials or Activities at any time, including after the expiration of the 10 day review period.
6. Once Descriptive Materials or Activities are approved, the Marketing Manager will coordinate publication and distribution of the materials.
7. If Descriptive Materials or Activities are disapproved by CMS, the workforce must immediately discontinue use of any Descriptive ACO Materials or Activities.
8. The following are not Descriptive ACO Materials and Activities, and therefore do not require CMS prior approval:
 - a. communications that do not directly or indirectly reference the NGACO Model (example: care coordination);
 - b. materials that cover Beneficiary-specific billing and claims issues;
 - c. educational information on specific medical conditions; referrals for health care items and services; and any other materials that are excepted from the definition of marketing under HIPAA Privacy Rule (45 CFR Part 160 & Part 164, subparts A & E).
9. THN will utilize any CMS developed templates when possible and will not make revisions to the template without CMS prior approval.
10. All THN materials and activities will comply with the Beneficiary Inducement Policy.

REFERENCE DOCUMENTS/LINKS:

- 42 CFR 425.20; 425.310; 425.312
- Policy 1.45 THN Beneficiary Inducements
- 45 CFR Part 160 & Part 164, subparts A & E

PREVIOUS REVISION/REVIEW DATES:

Date	Reviewed	Revised	Notes
April 10, 2017	April 4, 2017	April 10, 2017	Revised name and content language based on guidance