



<b>Policy Title:</b> Beneficiary Inducements and In-Kind Incentives			
<b>Department Responsible:</b> THN Compliance & Integrity	<b>Policy Number:</b> FWA -003	<b>THN’s Effective Date:</b> January 1, 2022	<b>Next Review/Revision Date:</b> September 30, 2026
<b>Title of Person Responsible:</b> THN Director of Compliance	<b>THN Approval Council:</b> THN Compliance and Privacy Committee	<b>Date Approved:</b> June 9, 2023	<b>Date Approved by THN Board of Managers:</b> August 15, 2023

- I. **Purpose.** The purpose of FWA-003 is to provide guidance on prohibited and permitted gifts or other remuneration provided to Accountable Care Organization Realizing Equity, Access, and Community Health (ACO REACH) Beneficiaries.
  
- II. **Policy.** Triad HealthCare Network (THN) employees, Participants, Preferred Providers, and other individuals or entities performing functions and services related to ACO Activities are prohibited from providing gifts or other remuneration to Beneficiaries to induce them to receive items or services from THN, Participants, Preferred Providers, or to induce them to continue to receive items or services from THN, Participants or Preferred Providers. Some in-kind items or services are permitted if certain conditions are met. Each Performance Year CMS may elect to provide a Coordinated Care Reward (CCR) to Beneficiaries if certain conditions are met.
  
- III. **Procedure.**
  - A. Except as otherwise permitted by applicable law and Sections 5.08.C and 5.08.D, THN shall not, and shall require its Participant Providers, Preferred Providers, and other individuals or entities performing functions and services related to THN Activities to not provide gifts or other remuneration to Beneficiaries to induce them to receive items or services from THN, Participant Providers, or Preferred Providers, or to induce them to continue to receive items or services from THN, Participant Providers, or Preferred Providers.
  - B. Availability of Safe Harbor Protection for Beneficiary Engagement Incentives
    1. CMS has determined that the Federal Anti-kickback Statute Safe Harbor for CMS-sponsored Model Patient Incentives (42 CFR § 1001.952(ii)(2)) is available to protect remuneration furnished by THN, Participant Provider, or Preferred Provider to a Beneficiary that meets all safe harbor requirements set forth in 42 CFR § 1001.952(ii)(2) and the requirements of:
      - a. Section 5.08.C of the Participation Agreement (PA);
      - b. Section 5.08.D of the PA and Sections III and IV.B of Appendix P, as



- applied to the Part B Cost-Sharing Support Beneficiary Engagement Incentive; or
- c. Section 5.08.D of the PA and Section IV of Appendix Q, as applied to the Chronic Disease Management Reward Beneficiary Engagement Incentive.
- C. Exception for Certain In-Kind Remuneration:
1. Consistent with the provisions of Sections 5.08.A and 5.08.B of the PA, and subject to compliance with all other applicable laws and regulations, beginning on the Start Date, THN may provide and may permit its Participant Providers, Preferred Providers, and other individuals or entities performing functions or services related to THN Activities to provide certain in-kind items or services to Beneficiaries in conjunction with any THN Activities if the following conditions are satisfied:
    - a. The in-kind items or services are preventive care items and services or will advance one or more of the following clinical goals for the Beneficiary:
      - i. Adherence to a treatment regime;
      - ii. Adherence to a drug regime;
      - iii. Adherence to a follow-up care plan; or
      - iv. Management of a chronic disease or condition.
    - b. The in-kind item or service has a reasonable connection to the Beneficiary's health care;
    - c. The in-kind item or service is not a Medicare-covered item or service for the Beneficiary on the date the in-kind item or service is furnished to that Beneficiary. For purposes of this exception, an item or service that could be covered pursuant to a Benefit Enhancement is considered a Medicare-covered item or service, regardless of whether THN has selected to participate in such Benefit Enhancement for the Performance Year as described in Section 8.01 of the PA.
    - d. The in-kind item or service is not furnished in whole or in part to reward the Beneficiary for designating, or agreeing to designate, a Participant Provider as his or her primary clinician, main doctor, main provider, or the main place where the Beneficiary receives care through Voluntary Alignment.
    - e. The in-kind item or service is furnished to a Beneficiary directly by THN, a Participant Provider, or a Preferred Provider.
  - D. For each in-kind item or service provided under Section 5.08.C of the PA, THN shall maintain and make available to the government upon request and shall require its Participant Providers and Preferred Providers to maintain and make available to the government upon request, all materials and records sufficient to establish whether such in-kind item or service was furnished in a manner that meets the conditions of Section 5.08.C of the PA. Such materials and records must be maintained in accordance with Section 16.02 of the PA and include, without limitation, documentation of the following:



1. The nature of the in-kind item or service;
  2. The identity of each Beneficiary that received the in-kind item or service;
  3. The identity of the individual or entity that furnished the in-kind item or service; and
  4. The date the in-kind item or service was furnished.
- E. Exception for Beneficiary Engagement Incentives: THN may provide a Beneficiary Incentive under an existing Benefit Enhancement, if THN has appropriately elected the Benefit Enhancement and meets all applicable requirements.
1. Consistent with the provisions of Section 5.08.A and Section 5.08.B of the PA, and subject to compliance with and Appendices P and Q of the PA and all other applicable laws and regulations, beginning on the Start Date, THN may provide, and may permit its Participant Providers and Preferred Providers to provide, the Part B Cost-Sharing Support Beneficiary Engagement Incentive and the Chronic Disease Management Reward Beneficiary Engagement Incentive to certain REACH Beneficiaries.
- F. CMS may elect to provide Beneficiaries with a CCR payment of \$25, that is sent directly from CMS to THN’s aligned Beneficiaries who receive an Annual Wellness Visit (AWV) from a Participant or Preferred Provider. CMS will determine reward qualification on a quarterly basis. Please note:
1. THN is not permitted to provide the CCR directly to Beneficiaries; and
  2. THN is not permitted to communicate in writing with REACH Beneficiaries regarding the CCR.
- . G. All Plans for Marketing Materials related to rewards and incentives must be submitted to CMS for approval.

Date	Reviewed	Revised	Notes
January 1, 2022			Originally Published
August 2022	X		No changes
May 2023		X	Converted to REACH Changed title to Beneficiary Inducement and In-Kind Services Changed policy # from CPE101 to FWA-003
December 2024		X	Formatting changes
September 2024	X		No changes