

Program Agreements

Denise G. Osborn-Harrison

*Division of Medicare Advantage
Operations, Medicare Drug and
Health Plan Contract
Administration Group, Center for
Medicare, CMS*

July 20, 2017



Overview

The PACE Program Agreement

- It is the contract executed between CMS, the State Administering Agency, and the PACE Organization upon approval of PACE provider application and reflects terms and conditions agreed to by the PACE Organization, State, and CMS.
- Most agreements have been amended several times since the beginning of the PACE program.
- Recognizing that many agreements may not reflect current information, CMS has launched an effort to assess the program agreements collectively with all stakeholders and update them to reflect only the most current information.
- It is likely that every PACE organization's program agreement needs one or more modifications.
- Today's discussion will touch on CMS' current efforts, objectives, and protocols for program updates.

When is an Agreement Update Triggered?

- Application for a waiver or service area expansion submitted by the PO and SAA
 - Note: An inability to accomplish the update within the regulatory deadline may lead to a request for additional information.
- Request to amend a program agreement initiated by the PO, SAA or CMS to provide more current information
 - Note: If this is a stand-alone request, the deadline for completing the update is discretionary.

The Cross-functional Review Team

- CMS Regional Reviewers (RO)
- CMS Central Office Reviewers (CO)
- CMS Subject Matter Experts Financial, Marketing, and Medicaid
- PACE Organizations (PO)
- State Administering Agency for the PACE Organization (SAA)

Process for Updating the Agreement

- **Step One:** PO & SAA must provide the updated content for the existing program agreement to the regional account manager.
- **Step Two:** CMS subject matter experts validate and, in some instances, modify the content provided.
- **Step Three:** CMS conducts a consistency review and generates the final draft.
- **Step Four:** PO, SAA, and the CMS cross-functional team sign-off on the updated program agreement. The thirty-day waiver is agreed upon.
- **Step Five:** A new program agreement is issued by CMS.

Checklist for Appendices

Assessment Checklist for Updating a PACE Program Agreement

Name of PACE Organization: _____

HPMS Number: _____

Date of Program Agreement to be Updated: _____

Program Agreement Appendix	Change? Yes	Change? No	Content Required and New Content to be Inserted: Modifications must be made to content if it has changed since the execution of the last program agreement.	Parties Responsible For Content
Appendix A			Required: NAMES AND CONTACT LIST Content to be Inserted:	PO, CO
Appendix B			Required: ORGANIZATIONAL STRUCTURE Content to be Inserted:	PO, CO
Appendix C			Required: SERVICE AREA AND PACE SITE(S) Content to be Inserted: *CO has a template	PO, CO
Appendix D			Required: PARTICIPANT BILL OF RIGHTS Content to be Inserted: *CO has a template	PO, CO
Appendix E			Required: ELIGIBILITY AND ENROLLMENT POLICIES AND CONTINUED ELIGIBILITY CRITERIA Content to be Inserted:	PO, CMCS

Validation Prior to Issuance of Update

- All members of the cross-functional team must validate the content of the entire updated program agreement before it is signed and issued by leadership.
- Per Article VI of the program agreement, there is a thirty-day waiting period wherein the PO and SAA are afforded an opportunity to contest the update and/or suggest modifications. A waiver of the thirty-day period is available if the SAA and the PO agree to the updated program agreement.

Timing of Program Agreement Update

- If your program is operating under terms different from those set forth in the most recent program agreement, you should alert your CMS regional office account manager.
- The two of you should consider if an update to your program agreement should be done and if so, when (e.g., with an upcoming Service Area Expansion (SAE) application). If you are unsure or have questions, please contact your CMS regional account manager to discuss your situation.

Points of Contact

- Please feel free to submit questions to the DMAO portal or email Denise Osborn at:

denise.osborn.harrison@cms.hhs.gov