

CMS RELEASES FINAL MEDICARE SHARED SAVINGS PROGRAM RULE

MSSP ACO Risk-Sharing Tracks ⁸					
Provision	Current Track 1	Final Track 1	Current Track 2	Final Track 2	New Track 3
Transition to Two-Sided Model	First agreement period under one-sided model. Subsequent agreement periods under two-sided model.	Remove requirement to transition to two-sided model for a second agreement period.	ACOs may elect to participate in Track 2 without completing a prior agreement period under a one-sided model. Once elected, ACOs cannot go into Track 1 for subsequent agreement periods.	No change.	Same as Track 2.
Beneficiary Assignment	Preliminary prospective assignment for reports; retrospective assignment for financial reconciliation.	No change.	Preliminary prospective assignment for reports; retrospective assignment for financial reconciliation.	No change.	Prospective assignment for reports, quality reporting, and financial reconciliation.
Financial Benchmarking	Reset at the start of each agreement period.	Modifications to rebasing methodology for an ACO's second or subsequent agreement period: equal weighting benchmark years, and including a per capita amount reflecting the ACO's financial and quality performance during prior agreement period.	Same as Track 1.	Same as Track 1.	Same as Tracks 1 and 2.

⁸ Adapted from 80 Fed. Reg. 32,692 at 32,811-32,812.

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Adjustments for Health Status and Demographic Changes	Historical benchmark expenditures adjusted based on CMS-HCC model. Updated historical benchmark adjusted relative to the risk profile of the performance year. Performance year: newly assigned beneficiaries adjusted using CMS-HCC model; continuously assigned beneficiaries adjusted using demographic factors alone unless CMS-HCC risk scores result in a lower risk score.	No change.	Same as Track 1.	No change.	Same as Tracks 1 and 2.
Benchmark and Performance Year Expenditures	Payment amounts included in Parts A and B FFS claims using a 3-month claims run out with a completion factor. (i) excluding IME and DSH payments. (ii) including individually beneficiary identifiable payments made under a demonstration, pilot or time limited program.	No change.	Same as Track 1.	No change.	Same as Tracks 1 and 2.

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Final Sharing Rate	Up to 50% based on quality performance.	No change.	Up to 60% based on quality performance.	No change.	Up to 75% based on quality performance.
Minimum Savings Rate	2% to 3.9% depending on number of assigned beneficiaries.	No change.	Fixed 2%.	Choice of symmetrical MSR/MLR: (i) no MSR/MLR; (ii) symmetrical MSR/MLR in 0.5% increment between 0.5% - 2%; (iii) symmetrical MSR/MLR to vary based upon number of assigned beneficiaries (as in Track 1)	Same as Track 2.
Minimum Loss Rate	Not applicable.	No change.	Fixed 2%.	See options under MSR.	See options under MSR.
Performance Payment Limit	10%.	No change.	15%.	No change.	20%.

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Shared Savings	First dollar sharing once MSR is met or exceeded.	No change.	Same as Track 1.	No change.	Same as Tracks 1 and 2.
Shared Loss Rate	Not applicable.	No change.	One minus final sharing rate applied to first dollar losses once minimum loss rate is met or exceeded; shared loss rate may not be less than 40% or exceed 60%	No change.	15%. Losses in excess of the annual limit would not be shared.
Loss Sharing Limit	Not applicable.	No change.	Limit on the amount of losses to be shared phases in over 3-years starting at 5% in year 1; 7.5% in year 2; and 10% in year three and any subsequent year. Losses in excess of the annual limit would not be shared.	No change.	ACOs may elect to apply for a waiver of the SNF 3-Day Rule.
Payment and Program Rule Waivers Under Part 425	Not applicable.	No change.	Not applicable.	No change.	