

## **MSSP ACO PARTICIPATION WAIVER DISCLOSURE**

The Secretary of the U.S. Department of Health and Human Services has provided waivers of certain federal fraud and abuse laws that may otherwise limit innovation by ACOs participating in the Medicare Shared Savings Program ACO Model (see “Final Waivers in Connection With the Shared Savings Program” (80 Fed. Reg. 66,726 (Oct. 29, 2015))). Pursuant to that notice, Stellar Health ACO LLC (“Stellar”) seeks waiver protection for the arrangement described below:

Stellar has developed a care improvement actions program (the “Care Improvement Actions Program”) for certain eligible providers who are entities or individuals that have signed Participating Provider Agreements with Stellar to become Medicare Shared Savings Program (“MSSP”) ACO Participants, as such term is defined in the regulations promulgated by CMS to implement the MSSP, as amended from time to time, under 42 C.F.R. 425.20 (“Eligible Providers”), to improve the quality and coordination of care for Medicare beneficiaries assigned to the Stellar MSSP ACO (“Stellar MSSP ACO Beneficiaries”).

The Care Improvement Actions Program incentivizes certain Eligible Providers to complete care improvement actions for Stellar MSSP ACO Beneficiaries in connection with value-based care initiatives identified by Stellar. The Care Improvement Actions Program originally was effective as of January 1, 2024, and certain updates to the Care Improvement Actions Program were effective as of June 11, 2024.

<Posted August 23rd, 2024>