

How to Submit and Manage Governing Body Documentation in ACO-MS

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OVERVIEW

This tip sheet serves as a resource for Accountable Care Organizations (ACOs) that are either currently participating in or applying to the Medicare Shared Savings Program (Shared Savings Program) to submit and manage their governing body documentation.

An ACO must maintain an identifiable governing body with ultimate authority to execute the functions of an ACO to promote evidence-based medicine and patient engagement, to report on quality and cost measures, and to coordinate care ([42 CFR § 425.106\(a\)\(1\)](#)).

The governing body topics covered in this tip sheet include:

- How to submit governing body information in the ACO Management System (ACO-MS) during Phase 2 of the Shared Savings Program application.
- How to submit a governing body change request in ACO-MS during an ACO's agreement period.
- How to withdraw a governing body change request in ACO-MS during an ACO's agreement period.

HOW TO SUBMIT A GOVERNING BODY IN ACO-MS DURING PHASE 2 OF THE APPLICATION CYCLE

ACOs applying to the Shared Savings Program must submit governing body information during Phase 2 of the application cycle. Follow the steps below to submit governing body information in ACO-MS:

- 1 Log into [ACO-MS](#) and open your application, which is available on your dashboard.
- 2 Click on the Leadership and Governance section in the menu on the left side of your application. You will be directed to the governing body portion.
- 3 Fill in the following information for each governing body member under the system-generated governing body template:
 - Click the Add governing body membership button and enter the:
 - First and Last Name
 - Title/Position
 - Voting Power
 - Select the Membership Type from the drop-down menu.

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- Select the approved ACO Participant TIN Legal Business Name from the drop-down menu and select the DBA from the drop-down menu, if applicable.
- Add a new row in the table for each ACO governing body member. Please note that there is no restriction on the number of members your ACO may identify as part of their governing body.
- Click the “Save & Close” button once you have entered the information for all governing body members.
- **Note:** Your ACO will be unable to save the governing body information until the following two criteria are met:
 - The total voting power of the governing body members is equal to 100 percent.
 - At least 75 percent of the voting power is held by governing body members with a Membership Type of “ACO Participant Representatives.”

FOR REFERENCE

- “Member’s Voting Power” refers to the votes held by the member, expressed as a percentage of total votes. Enter “0” for non-voting members.
- “Membership Type” includes ACO Participant Representative, Medicare Beneficiary Representative, Community Stakeholder Representative, or Other.
- For Medicare Beneficiary Representative and Community Stakeholder Representative, enter “N/A” under the “ACO Participant Legal Business Name (LBN), if applicable” column.

- 4 Once you click save, the system will return to the application page, and the following question asking if your governing body has at least one Medicare FFS beneficiary identified, will be prepopulated either with (yes) or (no).
 - If a Medicare Beneficiary cannot be identified on the governing body, your ACO must submit a narrative per 42 CFR § 425.106(c)(5)(i), explaining why your ACO seeks to differ from this requirement, and how your ACO will provide meaningful representation of Medicare beneficiaries in ACO governance.
 - Steps to submit a narrative:
 1. Click “Browse.”
 2. Select the file that contains the narrative for the Medicare beneficiary requirement.
 3. Click “Open” to submit the narrative.
 - Note: CMS will manually review your submitted narrative.
- 5 Review your governing body selection(s) and ensure all information is accurate and meets regulatory requirements.
 - Your ACO can click the “view governing body” button to view your selections and download a copy of the governing body table by clicking the “Print/Download” button.
- 6 Click “Next” to submit the governing body for CMS review.

HOW TO SUBMIT A GOVERNING BODY CHANGE REQUEST IN ACO-MS

Currently participating ACOs should notify CMS of any changes to their governing body by submitting a governing body change request in ACO-MS. Your ACO may submit a governing body change request at any time within your agreement period.

Follow the steps below to submit a governing body change request in ACO-MS:

- 1 Log into [ACO-MS](#); navigate to the My ACO tab on the left side menu and select your ACO.
- 2 Locate the Governing Body section at the bottom of the page under the Agreement Details subtab and select the pencil icon to the right to view, edit, or add members to your ACO's governing body. Your previously submitted governing body template will be automatically generated.
- 3 In the generated template referenced in Step 2, enter the most up-to-date information on ACO governing body members' names, positions, voting power, membership types, and associated ACO participant LBNs to reflect the changes made.
 - **Note:** Your ACO will be unable to save the governing body information until the total voting power of the governing body members is equal to 100 percent.

FOR REFERENCE

- "Member's Voting Power" refers to the votes held by the member, expressed as a percentage of total votes. Enter "0" for non-voting members.
- "Membership Type" includes ACO Participant Representative, Medicare Beneficiary Representative, Community Stakeholder Representative, or Other.
- For Medicare Beneficiary Representative and Community Stakeholder Representative, enter "N/A" under the "ACO Participant Legal Business Name, if applicable" column.

- 4 If a Medicare Beneficiary cannot to be identified on the governing body, your ACO must submit a narrative, per 42 CFR § 425.106(c)(5)(i), explaining why your ACO seeks to differ from this requirement, and how your ACO will provide meaningful representation of Medicare beneficiaries in ACO governance.
 - Steps to submit a narrative:
 1. Click "Browse."
 2. Select the file that contains the narrative for the Medicare beneficiary requirement.
 3. Click "Open" to submit the narrative.
- 5 When entering your governing body information, at least 75 percent of the voting power must be held by governing body members with a Membership Type of "ACO Participant Representatives."
 - **Note:** Merged or acquired (M/A) ACO participant Tax Identification Numbers (TINs) cannot be included as an "ACO Participant Representative" on your governing body and will not be counted towards the 75 percent ACO participant control requirement.

- 6 Review your governing body selection(s) and ensure all information is accurate and meets regulatory requirements.
- 7 Click “Submit” to submit the governing body for CMS review.

If your governing body meets all regulatory requirements, then this section of your application will be automatically approved by ACO-MS and no further action is required.

HOW TO WITHDRAW A GOVERNING BODY CHANGE REQUEST IN ACO-MS

If your currently participating ACO previously submitted a governing body change request, and CMS has not yet issued a disposition, your ACO can do the following:

- 1 Log into [ACO-MS](#); navigate to the change request in the Pending subtab.
- 2 Find the appropriate Performance Year (PY) and change request from the drop-down.
- 3 Click the blue circled minus sign icon under the “Actions” column to select the governing body change request that you want to withdraw.
- 4 An alert message will then ask if you are sure you want to withdraw, prompting you to select “Confirm” or “Cancel.”
 - **Note:** If you click Confirm, this action cannot be undone.
- 5 Select the Confirm button to withdraw your governing body change request.

QUESTIONS?

If you have any questions or require technical assistance, click the SSP Helpdesk icon (located within the [ACO-MS](#) banner) to submit your inquiry to CMS. Your ACO Coordinator will be notified of your submission.