

## Renewing ACO Repayment Mechanism Checklist, Version 1

This checklist summarizes the requirements outlined within the [Repayment Mechanism Arrangements Guidance](#) document and appendices for renewing/early renewing ACOs. There are three options available to ACOs that are renewing/early renewing outlined below. Repayment mechanisms submitted to CMS are subject to review and use of the checklist does not preclude an ACO from receiving deficiencies.

### Options Available to ACOs for Renewal/Early Renewal

#### Option 1: Establish a New Repayment Mechanism for the New Agreement Period

A renewing or early renewing ACO may elect to establish a new a new repayment mechanism for the new agreement period. If electing this option, refer to Appendix E: New Repayment Mechanism Checklist which reviews the requirements for newly established repayment mechanisms.

#### Option 2: Establish a New Repayment Mechanism for Both the Current and New Agreement Periods

A renewing or early renewing ACO may elect to establish a new repayment mechanism for both the current and new agreement period. If electing this option, the ACO is encouraged to contact the SSP Helpdesk by clicking the SSP Helpdesk icon (located within the ACO-MS banner) or email [SharedSavingsProgram@cms.hhs.gov](mailto:SharedSavingsProgram@cms.hhs.gov) to discuss options specific to the ACO.

#### Option 3: Amend an Existing Repayment Mechanism

A renewing or early renewing ACO may elect to amend their current Repayment Mechanism. If electing this option, utilize the checklists below in this document (Appendix F: Renewing ACO Repayment Mechanism Checklist) depending on your Repayment Mechanism type.

### Amend Existing Repayment Mechanism Checklist

#### ✓ Repayment Mechanism Preparation Checklist

- My ACO has reviewed the [Repayment Mechanism Arrangements Guidance](#) document.
- My ACO has started conversations with financial institutions to establish its repayment mechanism(s).
- My ACO will only submit **draft** documents until notified by CMS that drafts are ready for finalization.

#### ✓ Funds Placed in Escrow (Applies to Escrow Agreement)

- Does the escrow agreement exclude a specific termination date so that it will remain open and not terminate until the Escrow Agent receives written direction from Recipient with instructions to close the account (see Appendix A: Escrow Agreement Template, Point 10, section a) for reference)?
- Does the escrow agreement amendment inception date match the original escrow agreement inception date?
- Is the escrow agreement amount equal to the greater of the current agreement period amount and the final value for the new agreement period as specified by CMS (Note: This amount will be provided in the Participation Options Report released with Phase 1 Request for Information (RFI) 2)?
- Has the Escrow Agent provided a signed letter on its letter head providing a statement that the new repayment mechanism amount funds are on deposit?

#### ✓ A Line of Credit as Evidenced by Letter of Credit (Applies to Letter of Credit)

- Is the letter of credit amount equal to the greater of the current agreement period amount and the final value for the new agreement period as specified by CMS (Note: This amount will be provided in the Participation Options Report released with Phase 1 RFI 2)?
- Does the letter of credit amendment reference the original letter credit number?

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- Does the letter of credit amendment include updated duration language to meet one of the following requirements as detailed in [42 CFR §425.204\(f\)\(6\)](#)?
  - The duration of the repayment mechanism covers the entire duration of the ACO's participation under a two-sided model plus 12 months following the conclusion of the agreement period.
  - The duration of the repayment mechanism covers at least the first two performance years in which the ACO is participating under a two-sided model with automatic, annual 12-month extensions such that the repayment mechanism will eventually remain in effect for the duration of the agreement period plus 12 months following the conclusion of the agreement period.

### ✓ Surety Bond (Applies to Surety Bond)

- Does the surety bond state that the Surety agrees to not contest the amount owed by the Principal as reflected in the documents provided by CMS to the ACO?
- Does the surety bond state that the Surety will notify CMS promptly in writing if there is a lapse in surety bond coverage or if there is any change in the amount of the bond?
- Does the surety bond include a statement defining "sufficient evidence" as "the documents the Obligee may supply to the Surety to establish that the Principal has failed to pay the Shared Losses in full"?
- Does the surety bond rider reference the original surety bond number?
- Is the surety bond amount equal to the greater of the current agreement period amount and the final value for the new agreement period as specified by CMS (Note: This amount will be provided in the Participation Options Report released with Phase 1 RFI 2)?
- Does the surety bond rider include updated duration language to meet one of the following requirements as detailed in [42 CFR §425.204\(f\)\(6\)](#)?
  - The duration of the repayment mechanism covers the entire duration of the ACO's participation under a two-sided model plus 12 months following the conclusion of the agreement period.
  - The duration of the repayment mechanism covers at least the first two performance years in which the ACO is participating under a two-sided model with automatic, annual 12-month extensions such that the repayment mechanism will eventually remain in effect for the duration of the agreement period plus 12 months following the conclusion of the agreement period.

After receiving the final repayment mechanism amount, released with Phase 1 RFI-2, please ensure the following requirements are met prior to sending the final documentation to CMS.

### ✓ Final Documentation

- Is the dollar value of the repayment mechanism equal to or greater than the final value specified by CMS, in both numerical and written form? (Note: This amount will be provided in the *Participation Options Report* released with Phase 1 Request for Information (RFI) 2.)
- Does the repayment mechanism state the execution date?
- Is the repayment mechanism signed by the financial institution and ACO if applicable?
- If the repayment mechanism was digitally signed, has your ACO provided a copy of the digital signature audit report to CMS?
- Have all "draft" references been removed from the final repayment mechanism?
- If ACO is establishing a funds placed in escrow as its repayment mechanism: Has the Escrow Agent provided a signed letter on its letter head providing a statement that the repayment mechanism amount funds are on deposit?