

Participation Waiver

eBrightHealth ACO Waiver Protection Form

Program Name:

eBrightHealth ACO coverage of Private Practice and FQHC Shared Losses per the Shared Savings or Losses Distribution Policy for Performance Years Beginning 2022 (the "Policy")

Type of Waiver Utilized:

ACO Participation Waiver

All Parties Involved:

Christiana Care Quality Partners ACO, LLC (dba eBrightHealth ACO)

Christiana Care Health Services, Inc.

ACO Private Practice and Federally Qualified Health Center ("FQHC") ACO Participants

Date Program will begin:

January 1, 2022

Description of Arrangement:

To be successful eBrightHealth ACO must have a degree of control over total Medicare Parts A and B fee for service expenditures for eBrightHealth ACO's assigned beneficiaries to promote complete accountability for a patient population and coordination of items and services under Parts A and B and to encourage investment in infrastructure and redesigned care processes for high quality and efficient service delivery. That degree of control requires the participation of Practice Participants, including Private Practices and FQHCs, and Health System Participants. Private Practices have expressed the position that payment by them of an allocated share of ACO losses will cause financial hardship resulting in termination of their participation in eBrightHealth ACO. The participation of Practice Participants, including Private Practices and FQHCs, and Health System Participants in eBrightHealth ACO is required to promote complete accountability for a patient population and coordination of items and services under Parts A and B and to encourage investment in infrastructure and redesigned care processes for high quality and efficient service delivery to be successful. In recognition of the potential financial hardship and to promote participation in eBrightHealth ACO by Private Practices, eBrightHealth ACO has entered in an agreement to assume financial responsibility for losses attributed to their affiliated Private Practices. In addition, since FQHCs are restricted from participating in any participation agreements with downside financial risk, eBrightHealth ACO will also assume financial responsibility for losses attributed to FQHCs.

Purpose of Arrangement:

For Shared Losses, using the distribution methodology documented in the annual ACO Shared Savings/Losses Distribution Policy (Policy), the ACO will calculate Shared Losses among its Participants. eBrightHealth ACO will take financial responsibility for Private Practice and FQHC Shared Losses in order to maximize participation by Private Practices and FQHCs. This will result in the ACO being able to support the three-part aim of the Medicare Shared Savings Program and achieve an incentive to restrain wasteful spending, by having the requisite provider constituents needed to achieve quality, efficiency and cost reduction goals of the Shared Savings Program. The arrangement will further the goals and objectives of the Medicare Shared Savings Program and allow Private Practice and FQHC ACO Participants the ability to continue participation with eBrightHealth ACO.

Items, services, facilities or goods covered by the arrangement:

Assumption of the financial responsibility by eBrightHealth ACO of Private Practice and/or FQHC attributed shared losses.

Date and manner of the Governing Body's Authorization:

Approved by the Board of Managers on 8/18/2020. Revised waiver approved by Board of Managers on 9/16/2021.