Information contained in this presentation should not be used as legal advice, please consult with qualified counsel and/or subject matter experts for your information on your specific situation.
What are Value Based Payments?
**VBPs**

- Purchasing vs. Payment vs. Programs
- Pays for value instead of volume
- Risk is inherent in VBPs for everyone except our members
- We have multiple VBP models to utilize
- All VBPs are APAs; Not all APAs are VBPs

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VBPs are NOT

- Free of fraud concerns
- New
- Optional
- Scary
- Cure-alls

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Why are we doing Value Based Payments?
TWO main answers

1. We have to

2. The potential to positively impact our members’ care
The table displayed here has been adapted from Health Management Associates who was retained by CBH to aid in transitioning to VBPs.

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Compare/Contrast with Fee For Service
**FFS vs. VBP**

<table>
<thead>
<tr>
<th></th>
<th><strong>FFS</strong></th>
<th><strong>VBP</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Microwave</td>
<td>Air Fryer</td>
<td></td>
</tr>
<tr>
<td>Risk = Missed</td>
<td>Risk = Budgeting Errors</td>
<td></td>
</tr>
<tr>
<td>Appointments</td>
<td></td>
<td></td>
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<tr>
<td>Risk = Non-Billable Activities</td>
<td>Risk = Actuarial Errors</td>
<td></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>FFS</th>
<th>VBP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fraud = Unnecessary Svcs.</td>
<td>Fraud = “Cherry Picking”</td>
</tr>
<tr>
<td>Fraud = Kickbacks</td>
<td>Fraud = Kickbacks</td>
</tr>
<tr>
<td>Monitoring = High Utilization/Spikes</td>
<td>Monitoring = Deviations From Norms/Spikes</td>
</tr>
</tbody>
</table>
VBP changing the FWA landscape
Adapt

- Payer and oversight screening must adapt
- Internal compliance must adapt
- Regulatory bodies and rules must adapt
Payer and Oversight Adaptations

- Data mining and analysis changes
- Split focus for some time
- Identification of exploitable loopholes
Regulatory Adaptation
- For definitions please see:

✓ AKS
✓ Stark Law
✓ False Claims Act

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Regulatory Adaptation
- For definitions please see:

✓ AKS
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Internal Compliance & VBP
New Questions to Ask

- Are we providing/arranging for all care needed?
- Are we violating AKS/EKRA rules?
- Are “healthy” individuals prioritized over those thought to be “needy”?

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Take-Aways
**Key Points**

<p>| | |</p>
<table>
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<tbody>
<tr>
<td>1</td>
<td>VBPs will become more common</td>
</tr>
<tr>
<td>2</td>
<td>The process need not be scary</td>
</tr>
<tr>
<td>3</td>
<td>VBPs have potential to increase clinical flexibility</td>
</tr>
<tr>
<td>4</td>
<td>Expect regulatory guidance adaptation over time</td>
</tr>
<tr>
<td>5</td>
<td>Compliance plans will need review and updates</td>
</tr>
<tr>
<td>6</td>
<td>Likely an extended period of split focus</td>
</tr>
</tbody>
</table>

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HHS OIG Overview of FWA laws

AKS 12/20 Final Rule

Stark 12/20 Final Rule

False Claims Act (FCA) Primer

Proposed FCA Changes
RESOURCES (cont)

- **Intent In AKS Cases**
  - https://lawcommons.luc.edu/cgi/viewcontent.cgi?referer=https://www.google.com/\&htpsredir=1\&article=1279\&context=annals

- **CMS Value Based Services Page**
  - https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/Value-Based-Programs/Value-Based-Programs
CBH Contacts

Kenneth Inness, Director of Compliance / Compliance Officer, Kenneth.Inness@phila.gov

General contact, CBH.ComplianceContact@phila.gov
TO REPORT POTENTIAL FRAUD, WASTE, or ABUSE

CBH Compliance Hotline

PHONE: 1-800-229-3050

EMAIL: CBH.Compliancehotline@phila.gov

Pennsylvania DHS Tips (BPI)

PHONE: 1-844-347-8477
Questions?