



OneCare Vermont Accountable Care Organization Board of Managers Resolution Invoking Participation Waiver for Cathedral Square Nurse Medicare Annual Wellness Visits May 2024

WHEREAS, OneCare participates in the Vermont All Payer ACO Model Vermont Medicare ACO Initiative and the Vermont Medicaid Next Generation Program. The Secretary of the Department of Health and Human Services by and through CMS, and the Department of Vermont Health Access, have provided certain waivers of federal and state fraud and abuse laws in connection with the Vermont All Payer ACO Model (“APM”), the Fraud and Abuse Waiver Notice for Vermont ACO Initiative;

WHEREAS, the waivers are intended to provide OneCare with flexibility to create arrangements that increase success in value-based care and that might not be permitted under the current federal and state health care regulatory schemes or that might be easier to accomplish without some of the strict requirements of those regulatory schemes; and

WHEREAS, Medicare Annual Wellness Visits have been approved by the CMO, Population Health Strategy Committee and Board of Managers as a Population Health Model measure for OneCare, with a goal of providing these visits to as many eligible patients as possible as they bring strong preventative value to patient care; and

WHEREAS, The Participation waivers are available when, among other things, the governing body of the ACO has reviewed and determined that the arrangements are reasonably related to ACO Activities. ACO Activities include:

- Promoting accountability for quality of care;
- Promoting accountability for cost of care;
- Promoting accountability for overall care;
- Managing and coordinating care;
- Encouraging infrastructure investment;
- Encouraging investment in re-designed care processes for high quality and efficient services delivery;
- Carrying out any obligation or duty under the Vermont ACO Initiative or the Vermont Medicaid NextGen Program (together “Programs”);
- Direct patient care;
- Promoting evidence based medicine;
- Promoting patient engagement;
- Reporting on quality and cost measures;
- Coordinating care with telehealth, remote monitoring and other technologies;
- Establishing and improving ACO clinical systems;
- Establishing and improving ACO administrative systems;
- Meeting Programs quality standards;



- Evaluating patient health;
- Communicating clinical knowledge;
- Communicating evidence-based medicine; and
- Developing standards for patient access and communication including to medical records.

BE IT RESOLVED by the Board of Managers (the “Board”) of OneCare Vermont Accountable Care Organization, LLC (“OneCare”) as follows:

The OneCare Board of Managers has duly authorized the arrangement below and made a bona fide determination the arrangement is reasonably related to one or more of the above ACO Activities, including managing and coordinating care, accountability for quality, cost and overall care and encouraging investment in re-designed care processes for high quality and efficient service delivery. The Board wishes to extend the protections afforded under the ACO Participation Waiver to the arrangement described below.

1. Cathedral Square, through its Wellness Nurses, will train to and actually perform Medicare Annual Wellness visits for up to 50 patients of Participants Appletree Bay Primary Care and Community Health Center of Burlington. The visits will be performed in cooperation with, and under the supervision of, the physicians and nurse practitioners in those Participant practices. Participants will train the Wellness Nurses and will bill for the Medicare Annual Wellness visits. Cathedral Square will receive funding from OneCare through a Waiver Funding Opportunity contract for \$15,000, which will be used for training, program development and payment of the Wellness Nurses’ time.
2. The invocation of this Participation Waiver does not, in any respect, indicate that the arrangement is not compliant with applicable regulations.