

**BEST CARE COLLABORATIVE, LLC
RESOLUTION**

RE: *Bona Fide Determination that the Dispatch Health – Health System Master Services Agreement is Reasonably Related to the Purposes and Activities of the Medicare Shared Savings Program*

WHEREAS, Best Care Collaborative, LLC previously participated in the Next Generation Medicare Shared Savings Program (“NGACO”);

WHEREAS, Best Care Collaborative, LLC currently participates in the Medicare Shared Savings Program (“MSSP”);

WHEREAS, the U.S. Department of Health and Human Services' Centers for Medicare & Medicaid Services and Office of Inspector General have promulgated a MSSP participation waiver (“Participation Waiver”) that waives the application of the federal physician self-referral law, the federal health care program anti-kickback statute, and certain federal civil monetary penalty laws as to certain financial arrangements involving Next Generation ACOs;

WHEREAS, the Participation Waiver requires that the ACO’s governing body make and duly authorize a *bona fide* determination that the financial arrangements to be protected by the Participation Waiver are reasonably related to the purposes and activities of the MSSP;

WHEREAS, the Participation Waiver further requires that the financial arrangements be disclosed on the ACO’s website;

WHEREAS, the purposes and activities of the MSSP are promoting accountability for the costs and overall care for Medicare populations; managing and coordinating care for Medicare fee-for-service beneficiaries through an ACO; and encouraging investment in infrastructure and redesigned care processes for high quality and efficient service delivery for patients, including Medicare beneficiaries.

WHEREAS, the Board has been presented with and had an opportunity to consider and thoughtfully discuss the Dispatch Health – Health System Master Services Agreement and the financial implications of the Dispatch Health – Health System Master Services Agreement; and,

WHEREAS, Best Care Collaborative’s goals in entering into the Dispatch Health – Health System Master Services Agreement are promoting, managing and coordinating care for Medicare fee-for-service beneficiaries through an ACO and encouraging investment in infrastructure and redesigned care processes for high quality and efficient service delivery for patients, including Medicare beneficiaries and the Medicare population managed by the Best Care Collaborative ACO. Further, the Dispatch Health – Health System Master Services Agreement supports the MSSP aims of better care for individuals, better health for populations and lower growth in expenditures.

BE IT THEREFORE RESOLVED that the Board of Managers hereby ratifies and confirms the prior *bona fide* determination that the Dispatch- Health System Master Services Agreement is reasonably related to the NGACO and makes a *bona fide* determination that the Dispatch Health – Health System Master Services Agreement is reasonably related to the purposes and activities of the MSSP.

FURTHER RESOLVED that Best Care Collaborative, LLC shall publicly disclose the relationship between Best Care Collaborative and Dispatch Health in a form and manner that is consistent with the CMS regulatory guidance to ensure transparency of this arrangement.

BEST CARE COLLABORATIVE, LLC
RESOLUTION
January 13, 2022

RE: Determination that Care Management Team Services are Reasonably Related to the Purposes of the Medicare Shared Savings Program

WHEREAS, Best Care Collaborative, LLC currently participates in the MSSP Medicare Shared Savings Program (“MSSP”);

WHEREAS, the U.S. Department of Health and Human Services' Centers for Medicare & Medicaid Services and Office of Inspector General have promulgated a MSSP participation waiver (“Participation Waiver”) that waives the application of the federal physician self-referral law, the federal health care program anti-kickback statute, and certain federal civil monetary penalty laws as to certain financial arrangements involving MSSP ACOs;

WHEREAS, the Participation Waiver requires that the ACO’s governing body make and duly authorize a *bona fide* determination that the financial arrangements to be protected by the Participation Waiver are reasonably related to the purposes of the MSSP;

WHEREAS, the Participation Waiver further requires that the financial arrangements be disclosed on the ACO’s website;

WHEREAS, the purposes of the MSSP are promoting accountability for the quality, cost, and overall care for a Medicare patient population as described in the MSSP; managing and coordinating care for Medicare fee-for-service beneficiaries through an ACO; and encouraging investment in infrastructure and redesigned care processes for high quality and efficient service delivery for patients, including Medicare fee-for-service beneficiaries;

WHEREAS, the Board has been presented with and had an opportunity to consider and thoughtfully discuss an arrangement under which Best Care Collaborative has engaged a Care Management Team to provide care management services Medicare beneficiaries in the Best Care Collaborative ACO utilizing an evidenced-based approach to improving patient engagement and improving the overall efficiency of care; and,

WHEREAS, Best Care Collaborative’s goals in providing the Care Management Team Services to Participants in the ACO is to promote accountability for the quality, cost and overall care for the Medicare population managed by the Best Care Collaborative ACO and support the MSSP aims of better care for individuals, better health for populations and lower growth in expenditures.

BE IT THEREFORE RESOLVED that the Board of Managers hereby makes a bona fide determination that Care Management Team Services arrangement is reasonably related to the purposes of the MSSP.

FURTHER RESOLVED that Best Care Collaborative, LLC shall publicly disclose the Care Management Team Services arrangement in a form and manner that is consistent with the CMS regulatory guidance to ensure transparency of this arrangement.

BEST CARE COLLABORATIVE, LLC
RESOLUTION
January 13, 2022

RE: Determination that Physician Advisory Council Member Compensation is Reasonably Related to the Purposes of the Medicare Shared Savings Program

WHEREAS, Best Care Collaborative, LLC previously participated in the Next Generation Medicare Shared Savings Program (“NGACO”);

WHEREAS, Best Care Collaborative, LLC currently participates in the MSSP Medicare Shared Savings Program (“MSSP”);

WHEREAS, the U.S. Department of Health and Human Services' Centers for Medicare & Medicaid Services and Office of Inspector General have promulgated a MSSP participation waiver (“Participation Waiver”) that waives the application of the federal physician self-referral law, the federal health care program anti-kickback statute, and certain federal civil monetary penalty laws as to certain financial arrangements involving MSSP ACOs;

WHEREAS, the Participation Waiver requires that the ACO’s governing body make and duly authorize a *bona fide* determination that the financial arrangements to be protected by the Participation Waiver are reasonably related to the purposes of the MSSP;

WHEREAS, the Participation Waiver further requires that the financial arrangements be disclosed on the ACO’s website;

WHEREAS, the purposes of the MSSP are promoting accountability for the quality, cost, and overall care for a Medicare patient population as described in the MSSP; managing and coordinating care for Medicare fee-for-service beneficiaries through an ACO; and encouraging investment in infrastructure and redesigned care processes for high quality and efficient service delivery for patients, including Medicare fee-for-service beneficiaries;

WHEREAS, the Board has previously made a *bona fide* determination that PAC Member Compensation is reasonably related to the purposes of the NGACO.

WHEREAS, the Board has been presented with and had an opportunity to consider and thoughtfully discuss this arrangement under which Best Care Collaborative will provide physicians serving as members of the Best Care Collaborative, LLC Physician Advisory Council compensation (“PAC Member Compensation”) for attending Physician Advisory Council Meetings; and,

WHEREAS, Best Care Collaborative’s goals in providing the PAC Member Compensation are to promote physician engagement and accountability for the quality, cost and overall care for the Medicare population managed by the Best Care Collaborative ACO and support the MSSP aims of better care for individuals, better health for populations and lower growth in expenditures.

BE IT THEREFORE RESOLVED that the Board of Managers hereby ratifies and confirms the prior *bona fide* determination that PAC Member Compensation is reasonably related to the NGACO and

makes a bona fide determination that PAC Member Compensation is reasonably related to the purposes of the MSSP.

FURTHER RESOLVED that Best Care Collaborative, LLC shall publicly disclose the PAC Member Compensation in a form and manner that is consistent with the CMS regulatory guidance to ensure transparency of this arrangement.