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Consumer Protections in Accountable Care Organizations

Trinka Kerr, Chief Health Care Advocate

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1. ACO Governance
 - Patients will be included in the governance of the organization, and there will be structural avenues for their input and feedback.
2. Accountability for Access to Care, Quality of Care, and Health Outcomes
 - ACOs must measure and report progress toward goals for access to care, quality of care, patient outcomes and social determinants of health.
 - The Green Mountain Care Board (GMCB), the Department of Vermont Health Access, and the Vermont Department of Health must monitor access, utilization and outcomes to prevent under-service or inappropriate denials of care.
3. Appeals/Grievances
 - The ACOs must create appeals and grievance processes.
 - The GMCB must promulgate regulations enforcing the appeals and grievance processes.
 - Patients must be provided notice of appeal rights.
4. Provider Choice
 - Patients have the right to choose their providers, and cannot be penalized for choosing providers outside of the ACO.
5. No Additional Costs to Patient
 - Attribution of a patient to an ACO shall not result in increased patient costs, including cost-sharing and penalties, regardless of the patient's patterns of care.
6. Best Practices, Patient Education and Transparency
 - ACO providers must not be penalized for sharing information with a patient about the practices and protocols of the ACO, or discussing all treatment options with a patient, regardless of the ACO's position regarding those options.
 - ACO providers must engage all patients in shared decision making to ensure that they are aware of and understand their treatment options and the related risks and benefits of each option.
 - ACOs must educate patients about what the ACO is, its benefits of care, the financial incentives for ACO providers, what under-service is and how the ACO will monitor it.
7. Integrated Care
 - ACOs must collaborate with providers not included in the ACO financial model, including mental health, substance abuse, home and community based services and oral health.

The Office of the Health Care Advocate, previously named the Office of Health Care Ombudsman, is a special project of Vermont Legal Aid.