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Owner Stephanie Clark:
Compliance
Director & ACO
Compliance
Officer
Area Compliance
Applicability Privia Health and
All Markets

ACO FWA Laws and Utilization of Waivers

1. Purpose:

Outline the processes used by the ACO to ensure compliance with all Fraud, Waste and Abuse (FWA) laws and regulations, and appropriate use and documentation of any FWA waivers.

2. Scope:

This policy applies to all Privia Quality Networks, all PQN's, CMG ACO, LLC and all ACO officers, directors, employees, ACO Participants, ACO Providers/Suppliers, contractors, or any other individual or entity providing functions or services related to ACO Activities.

3. Definitions:

- **ACO Related Individual** - ACO officers, directors, employees, ACO Participants, ACO Providers/Suppliers, contractors, or any other individual or entity providing functions or services related to ACO Activities.
- **Medicare Shared Savings Program (MSSP)** - Medicare Shared Savings Program, established under section 1899 of the Social Security Act.

4. Policy:

It is the policy of the ACO to ensure that all ACO Related Individuals act in accordance with all applicable Fraud, Waste and Abuse laws, and to ensure proper compliance with the five Medicare Shared Savings Program FWA Waivers created by the Centers for Medicare & Medicaid Services (CMS) and the Office of Inspector General (OIG).

These waivers are known as the:

- A. ACO Pre-Participation Waiver
- B. ACO Participation Waiver
- C. Shared Savings Distribution Waiver
- D. Compliance with Physician Self-Referral (Stark) Law Waiver
- E. Patient Incentives Waiver

5. Procedure:

The ACO requires that all ACO Related Individuals complete ACO Specific Compliance Training within 30 days of hire or contracting and on an annual basis thereafter, in accordance with the [Compliance Training Policy](#). The training emphasizes the ACO's commitment to making compliance with Federal and State requirements a top priority, including but not limited to training related to Fraud, Waste and Abuse (FWA) laws.

- A. The ACO Compliance Officer, in coordination with legal counsel, manages the requirement to comply with FWA laws and utilizes the Compliance Program to actively manage that requirement.
- B. The ACO Compliance Officer, in coordination with legal counsel, reviews all new initiatives to ensure compliance. This process involves determining the initiative's appropriateness, identifying the appropriate waiver, and initiating the documentation process.
- C. If any of the waivers are to be utilized, the ACO Compliance Office and legal, will work with the business owner to document their use. This documentation will include, but may not be limited to:
 - 1. The waiver to be used;
 - 2. Purposes of the program and their relationship to the three-part-aim of the MSSP; and
 - 3. Details around the program including the parties to the arrangement, the date of the arrangement, the items, services, goods, facilities to be used, and any payments to be made.
- D. Governing Body Approval. The ACO must have documentation that the ACO's Governing Body has made and duly authorized a bona fide determination. The ACO must also provide:
 - 1. The date and manner of the Governing Body's authorization of the arrangement.
 - 2. The basis for the determination that the arrangement is reasonably related to the purposes of the Shared Savings Program.
- E. In accordance with the [Waiver Final Rule](#) and [Additional CMS and OIG Guidance](#), ACO Pre-Participation and ACO Participation Waivers require public disclosure on the ACO's website within 60 days of the arrangement; the description of the disclosed waivers must include:
 - 1. The parties to the arrangement, the date of the arrangement and type of item, service, good or facility provided under the arrangement.
 - 2. Public disclosure shall not include the financial or economic terms of the arrangement.

3. If the ACO makes a material amendment or modification to a previously disclosed arrangement, the amendment or modification should be disclosed in the same manner as described above and identified as an amendment or modification.
 4. The ACO Compliance Officer will ensure any public disclosure requirements are met once utilization of the waiver has been approved.
 - a. Public Reporting Website Updates will be submitted to the [Growth Team](#).
- F. Waiver documentation will be maintained in accordance with the [Retention of Documents Policy](#).
- G. The ACO Compliance Officer will maintain a log of any waivers utilized by the ACO.

Approval Signatures

Step Description	Approver	Date
Chief Audit & Compliance Officer Approval	Dana Fields: Chief Audit & Compliance Officer	04/2026
ACO Compliance Leadership Approval #1	Stephanie Clark: Compliance Director & ACO Compliance Officer	04/2026
Compliance Review	Policy Admin	04/2026
	Stephanie Clark: Compliance Director & ACO Compliance Officer	04/2026