



ACO Assignment Improvement Act

Action Requested: Cosponsor H.R. 7665/S. 3939, the ACO Assignment Improvement Act. This legislation would authorize assignment of patients treated exclusively by physician associates/physician assistants (PAs) and nurse practitioners (NPs) to Medicare shared savings accountable care organizations (ACOs).

ACOs are groups of hospitals and healthcare providers who voluntarily work together to provide coordinated, high-quality care to Medicare patients. PAs and NPs are currently recognized in the Medicare Shared Savings Program (MSSP) as “ACO professionals,” yet many patients seen by PAs and NPs cannot be assigned to an ACO based on Medicare claims because of current limitations. This legislation will authorize Medicare beneficiaries who receive their primary care from PAs to be assigned to MSSP ACOs without arbitrarily requiring patients to see a physician or having to actively self-select an ACO affiliation. Likewise, patients who rely on PAs for their care should be able to benefit from PAs fully participating in the design, management, and operation of ACOs.

Background: Under current law, Medicare patients must have at least one primary care visit with a physician during a fixed period to be assigned to an ACO, or otherwise self-select to be in an ACO. However, CMS has noted that “the vast majority of beneficiaries are assigned” under the more restrictive claims-based assignment. Consequently, many individuals who rely on PAs and NPs, particularly those in rural and underserved communities where the PA or NP may be the only care option, are therefore often excluded from accessing the coordinated care provided by ACOs.

The ACO Assignment Improvement Act will remove this barrier and allow patients receiving primary care services furnished by PAs and NPs to be more easily enrolled in ACOs. Removing this barrier will also encourage the formation of new ACOs and increase quality, team-based, patient-centric care for Medicare beneficiaries who wish to participate but currently cannot. These changes will incentivize more efficient care for patients and will not increase Medicare spending.

Legislative Recommendation: AAPA urges Congress to support the ACO Assignment Improvement Act H.R. 7665/S. 3939, introduced in the house by Reps. Derek Kilmer (D-WA), Adrian Smith (R-NE), Mike Gallagher (R-WI), and Suzan DelBene (D-WA), and in the senate by Senators Sheldon Whitehouse (D-RI) and John Barrasso (R-WY.) This legislation will authorize patients, including many living in rural areas, to benefit from innovation in our healthcare delivery system by ensuring patients served by PAs and NPs can be assigned to Medicare shared savings ACOs.

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