



## **Division of Survey and Certification, Region VI**

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September 11, 2017

Ms. Carrie Kroll, Vice President, Advocacy, Quality and Public Health  
Mr. Richard Schirmer, Vice President, Health Care Policy Analysis  
Texas Hospital Association  
1108 Lavaca, Suite 700  
Austin, Texas 78701

Dear Ms. Kroll and Mr. Schirmer:

We have reviewed your request for a blanket waiver from the Medicare Shared Savings Program requesting any costs above the CMS defined per beneficiary per month benchmark, due in October per CMS, be waived for the 1135 Waiver time period from August 24, 2017, through September 30, 2017, or until such time as any additional extensions expire, to cover acute response and recovery period. In addition, if the impacted counties are expanded in the future, you request the additional hospitals located in these counties be automatically included in these waivers.

Thank you for bringing this question to our attention. We are monitoring the effects of Hurricane Harvey on Shared Savings Program ACOs and their ACO participants, our current application/renewal process and addition/deletion of ACO participants, as well as how program policies for determining ACO financial performance apply in light of natural disasters. The attached document provides answers to ACOs about the current application/renewal and ACO participant management process. We are consulting internally about what regulatory flexibility may be possible to address financial performance for ACOs in areas affected by natural disasters. We will follow-up shortly when we have more information.

If you have any questions or concerns with what is outlined in this letter please contact Charna Pettaway at 214-767-0250 or [Charna.Pettaway@cms.hhs.gov](mailto:Charna.Pettaway@cms.hhs.gov) and/or Gerardo Ortiz at 214-767-6341 or [Gerardo.Ortiz@cms.hhs.gov](mailto:Gerardo.Ortiz@cms.hhs.gov).

Sincerely,

Attachment