

Policy Title: Beneficiary Termination, Referrals and Prohibition on Cost Shifting			
Department Responsible: THN Operations	Policy Number: OP - 007	THN's Effective Date:	Next Review/Revision Date: September 30, 2023
Title of Person Responsible: Assistant Director of Operations	THN Approval Council: THN Operating Committee	Date Approved: June 8, 2023	

- I. **Purpose.** The purpose of OP-007 is to outline the policies of THN related to discharge or referral of patients who are also Beneficiaries.
- II. **Policy.** It is the policy of THN to provide quality care to all Beneficiaries aligned with the ACO and to ensure that THN Related Individuals do not avoid at-risk Beneficiaries.
- III. **Procedures.**
 - A. THN provides services to all Beneficiaries attributed to THN based on the best interests and wishes of the Beneficiary, as well as the medical judgement of the provider.
 1. No THN Related Individual gives or receives remuneration, including but not limited to, consent to participate in THN's selected Capitation Mechanism and /or Advanced Payments, in return for or to induce business or referrals.
 2. All referrals are made based on the best interest and wishes of the Beneficiary as well as the medical judgement of the provider. While THN Related Individuals may refer a Beneficiary to another provider within the ACO, all referrals are voluntary and the Beneficiary is free to see any provider, regardless of participation in the ACO.
 3. All THN Related Individuals are prohibited from taking any action to limit the ability of a Participant or Preferred Provider to make decisions in the best interests of a Beneficiary, including the selection of devices, supplies and treatment used in the care of the Beneficiary.
 - B. THN does not require that beneficiaries be referred only to Participants or Preferred Providers, or to any other provider or supplier, except that the prohibition does not apply to referrals made by employees or contractors who are operating within the scope of their employment or contractual arrangement to the employer or contracting entity, provided that the employees and contractors remain free to make referrals without restriction or limitation if
 1. the beneficiary expresses a preference for a different provider, practitioner, or supplier, or
 2. the referral is not in the beneficiary's best medical interests in the judgment of the referring party.
 - C. THN Related Individuals shall not, directly, or indirectly, commit any act or omission, nor adopt any policy, that inhibits Beneficiaries from exercising their freedom to obtain



health services from providers and suppliers who are not Participants or Preferred Providers.

1. Except that this does not apply to referrals made by employees or contractors who are operating within the scope of their employment or contractual arrangement with the employer or contracting entity.
 - a. In these cases, the employee or contractor remains free to make referrals without restriction or limitation if a Beneficiary expresses a preference for a different provider or supplier, or the referral is not in the best interest of the Beneficiary in the judgment of the referring party.

- D. THN requires its Participants and Preferred Providers to make medically necessary covered services available to Beneficiaries in accordance with applicable laws, regulations, and guidance.
 1. THN and its Participants and Preferred Providers shall not take any action to avoid treating at-risk Beneficiaries or to target certain Beneficiaries for services with the purposes of trying to ensure alignment in a future period.

- E. If, at any time, the physician-patient relationship becomes non-beneficial it may be in the best interest of the Beneficiary to find a new provider. Participants and Preferred Providers follow their practice policies for administrative discharge of patients.
 1. THN will continue to be accountable for the care of any terminated Beneficiary until he or she is no longer attributed to THN based on the assignment methodology utilized by CMS.
 2. If, at the time the relationship is terminated, the Beneficiary is receiving care coordination services, THN will continue care coordination as appropriate.

- F. No patient or Beneficiary shall be discharged based on their health status or risk to THN.
 1. If Compliance Monitoring and Oversight activities, or any Compliance Investigation, determine that an THN Related Individual is avoiding at-risk Beneficiaries, they will be subject to disciplinary action up to and including termination of employment and/or any contractual relationship with THN.

Date	Reviewed	Revised	Notes
May 2023			New REACH policy