

Virtual Group Agreements

As proposed in the CY 2018 Quality Payment Program proposed rule, solo practitioners and groups with 10 or fewer eligible clinicians who participate in the Merit-based Incentive Payment System (MIPS) as a virtual group would have to execute a formal and contractual written agreement. **This agreement would have to be completed by each virtual group member and would apply to at least 1 performance period.**

When the final CY 2018 Quality Payment Program rule is published, if there are any changes made to the requirements of the formal written agreement, this information will be updated.

Agreement checklist

We proposed that the formal written agreement has to:

- ✓ Expressly state the only parties to the agreement are the Taxpayer Identification Numbers (TINs) and National Provider Identifiers (NPIs) of the virtual group. For example, the agreement can't be between a virtual group and another entity. Also, virtual groups shouldn't use existing contracts between TINs that include third parties.
- ✓ Be done on behalf of the TINs and the NPIs by individuals who are authorized to bind the TINs and the NPIs.
- ✓ Specifically require the virtual group's members (including each NPI under each TIN) to agree to participate in MIPS as a virtual group and meet the requirements of the MIPS and all other laws and regulations that apply.
- ✓ Require each TIN in a virtual group to notify all NPIs associated with the TIN that they're participating in MIPS as a virtual group.
- ✓ State the NPI's rights and obligations in, and representation by, the virtual group, including all of the reporting requirements and how participation in MIPS as a virtual group affects the NPI's participation in the MIPS outside of the virtual group.
- ✓ Describe how the opportunity to earn payment adjustments can encourage each of the virtual group's members (including each NPI under each TIN) to practice quality assurance and improvement.



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- ✓ Require each of the virtual group's members to update their Medicare enrollment information, including adding and deleting NPIs billing through a TIN that's part of a virtual group. The updates have to be made in accordance with Medicare program requirements, and the virtual group has to be notified of any changes within 30 days after they're made.
- ✓ Be for a term of at least 1 performance period as explained in the formal written agreement.
- ✓ Require completion of a close-out process be done when the agreement that requires the TIN (group part of the virtual group) or NPI (solo practitioner part of the virtual group) to give all the data that's needed for the virtual group to aggregate its data across the virtual group, ends or expires.

If an NPI joins or leaves the TIN, or a change is made to the TIN that changes the agreement itself (e.g., a legal business name change) during the applicable performance year, a virtual group has to update the agreement and send the changes to the Quality Payment Program Service Center.

To learn more about Virtual Group agreements, see the CY 2018 Quality Payment Program [proposed rule \(82 FR 30027 through 30034\)](#).

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