

Virtual Group Agreements

As discussed in the CY 2018 Quality Payment Program final rule, the virtual group arrangement must be set forth in a formal written agreement between each solo practitioner and group that composes a virtual group. The written virtual group agreement must identify, but need not include as parties to the agreement, all clinicians who bill under the Taxpayer Identification Number (TIN) of a group that is in the virtual group, and would apply for at least one performance period.

Agreement Checklist

CMS has created a Virtual Groups Model Agreement to serve as a template that virtual groups could use, and to which they could add other elements that would meet the needs of the virtual group. The following are the required elements of a formal written agreement between each solo practitioner and group that composes a virtual group:

- ✓ Identifies the parties to the agreement by name of party, TIN, and NPI, and includes as parties to the agreement only the groups and solo practitioners that compose the virtual group.
- ✓ Is executed on behalf of each party by an individual who is authorized to bind the party.
- ✓ Expressly requires each member of the virtual group (and each NPI under each TIN in the virtual group) to participate in MIPS as a virtual group and comply with the requirements of the MIPS and all other applicable laws and regulations (including, but not limited to, federal criminal law, False Claims Act, anti-kickback statute, civil monetary penalties law, the Health Insurance Portability and Accountability Act of 1996, and physician self-referral law).
- ✓ Identifies each NPI under each TIN in the virtual group and requires each TIN within a virtual group to notify all NPIs associated with the TIN of their participation in the MIPS as a virtual group.
- ✓ Sets forth the NPI's rights and obligations in, and representation by, the virtual group, including without limitation, the reporting requirements and how participation in MIPS as a virtual group affects the ability of the NPI to participate in the MIPS outside of the virtual group.
- ✓ Describes how the opportunity to receive payment adjustments will encourage each member of the virtual group (and each NPI under each TIN in the virtual group) to adhere to quality assurance and improvement.
- ✓ Requires each party to the agreement to update its Medicare enrollment information, including the addition and deletion of NPIs billing through its TIN, on a timely basis in accordance with Medicare program requirements and to notify the virtual group of any such changes within 30 days after the change.
- ✓ Is for a term of at least one performance period as specified in the formal written agreement.
- ✓ Requires completion of a close-out process upon termination or expiration of the agreement that requires each party to the virtual group agreement to furnish, in accordance with applicable privacy and security laws, all data necessary in order for the virtual group to aggregate its data across the virtual group.





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

To learn more about Virtual Group agreements, see the CY 2018 Quality Payment Program [final rule](#).