PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	September 19, 2023	[X] Consent [] Workshop	[] Regular [] Public Hearing	
Department:	Fire Rescue			

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: 2023 Amendment No. 2 to Emergency Triage, Treat and Transport (ET3) Model Participation Agreement (R2020-1832) with the Center for Medicare & Medicaid Services (CMS) to end the ET3 Model's Performance Period on December 31, 2023.

Summary: CMS implemented the ET3 Model under Section 1115A of the Social Security Act, which authorizes CMS to test innovation payment and service delivery models that have the potential to reduce Medicare, Medicaid or Children's Health Insurance Program expenditures while maintaining or improving the quality of care for their beneficiaries. The Participation Agreement provides that CMS may unilaterally amend the Participation Agreement for good cause or as necessary to comply with applicable laws, regulatory requirements, accreditation standards or licensing guidelines or rules. The Fire Rescue Department received the attached Amendment No. 2 modifying the Model Performance Period to end two (2) years prior to the Agreement's original Performance Period. This Amendment No. 2 is now being submitted to the Board to receive and file. **Countywide (SB)**

Background and Justification: On October 2, 2019, Palm Beach County Fire Rescue applied for the ET3 program and was accepted into the program by CMS on February 27, 2020, however CMS has determined that it is in the public interest to end the ET3 program.

Attachments: Amendment No. 2		
	$O_{l} \sim l$	8-21-2023
Recommended by:	For Assistant Fire Chief	Date
Approved by:	BAXX _	8.21.2023
	Fire Rescure Administrator	Date
Approved by:	Assistant County Administrator	
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fi	iscal Impact	•					
Fiscal Years Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)	2023	2024	2025	2026	2027		
NET FISCAL IMPACT	<u>*0</u>						
# ADDITIONAL FTE POSITIONS (Cumulative)							
Is Item Included in Current Bud Does this item include the use	dget? Yes_ of federal fu	No unds Yes	X_ s No	x_			
Budget Account No.: Fund	Dept	Unit	Rev S	ource			
B. Recommended Sources of Funds/Summary of Fiscal Impact:							
* There is no fiscal impact associated with this Amendment							
C. Departmental Fiscal Review: August Magieusti 6/17/23							
III. REVIEW COMMENTS							
A. OFMB Fiscal and/or Cor	ntract Dev. a	nd Control	Comments:	,			
	8155 (73)903	Sa	ntract Dev. a	and Control	Per 8/30/		
Assistant County Attorn	<u> 8/30/</u> a ney	93					
C. Other Department Revie	ew:						
Department Director							
(THIS SUMMARY IS NOT TO BE US	ED AS A BASI	S FOR PAYME	ENT.)				

Attachment
Amendment No 2 (2 pages)

Emergency Triage, Treat, and Transport (ET3) Model Participation Agreement

2023 Amendment No. 2

Amendment to Article I 1.3 of the ET3 Participation Agreement

The Centers for Medicare & Medicaid Services ("CMS") hereby amends the Emergency Triage, Treat, and Transport Model Participation Agreement (the "Agreement") between CMS and Palm Eeach County by its Ecord of County Commissioners (the "Participant") (collectively, the "Parties"), to modify the Agreement's Model Performance Period.

Article XIX 19.3(b) of the Agreement provides that CMS may immediately or with advance notice terminate the Agreement by promptly notifying the Participant, in writing, of the effective date of the termination and the reason for such termination. CMS may terminate the Agreement if CMS determines in its sole discretion that CMS no longer has the funds to support the Model or that continuing the Model is no longer in the public interest.

Article XXI 21.4 of the Agreement provides that CMS may unilaterally amend the Agreement or any Appendix thereto as specified in the Agreement, including its Appendices, or for good cause or as necessary to comply with applicable federal or State law, regulatory requirements, accreditation standards or licensing guidelines or rules.

CMS has determined that it is in the public interest to end the ET3 Model's Performance Period on December 31, 2023, which is two years prior to the Agreement's original Performance Period end date. CMS made this determination based on a number of factors, including current Model projections of intervention volumes. Current and projected intervention volumes are lower than those anticipated when the Model was designed. This affects the cost of operating the Model relative to its expected benefits, the ability of CMS to conduct a robust quantitative evaluation of the Model's impact, and the Model's ability to achieve the Medicare savings CMS estimated in the Model's design. Because CMS has determined that it is not in the public interest to test the Model in Performance Year 4 (i.e., Calendar Year 2024) through Performance Year 5 (i.e., Calendar Year 2025), CMS has good cause to unilaterally amend the Agreement to modify its Performance Period.

CMS hereby amends the Agreement as follows:

1. Amendment to the Model Performance Period. Article 1.3 of the Agreement is amended in its entirety to read as follows:

1.3 Model Performance Period

"The performance period for this Agreement ("Model Performance Period") begins on January 1, 2021 ("Start Date") and ends on December 31, 2023, unless the Agreement is sooner terminated by either Party in accordance with Article 19, in which case the Model Performance Period terminates immediately upon the effective date of such termination. The Model Performance Period includes the following three performance years (each a "Performance Year"):

Performance Year 1: January 1, 2021 through December 31, 2021 Performance Year 2: January 1, 2022 through December 31, 2022 Performance Year 3: January 1, 2023 through December 31, 2023

- 2. Amendment Effect Date. This amendment shall be effective as of July 31, 2023.
- 3. Effect of Amendment. All other terms and conditions of the Agreement shall remain in full force and effect. In the event of any inconsistency between the provisions of this amendment and the provisions of the Agreement, the provisions of this amendment shall prevail.

FOR THE CENTERS FOR MEDICARE & MEDICAID SERVICES:

Henrietta A. Tabe-

bedward -S

Digitally signed by Henrietta A. Tabe-bedward -S Date: 2023.07.27 09:55:32 -04'00'

Arrah Tabe-Bedward

Deputy Director, Center for Medicare and Medicaid Innovation

Centers for Medicare & Medicaid Services

July 27, 2023