

MERIT-BASED INCENTIVE PAYMENT SYSTEM (MIPS)

Virtual Group Election Process Guide
for the 2021 Performance Year



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How to Use This Guide





Please Note: This guide was prepared for informational purposes only and is not intended to grant rights or impose obligations. The information provided is only intended to be a general summary. It is not intended to take the place of the written law, including the regulations. We encourage readers to review the specific statutes, regulations, and other interpretive materials for a full and accurate statement of their contents.

This guide helps solo practitioners and/or groups consisting of 10 or fewer clinicians (including at least one MIPS eligible clinician) who are interested in forming a virtual group for the 2021 performance year through the election process.

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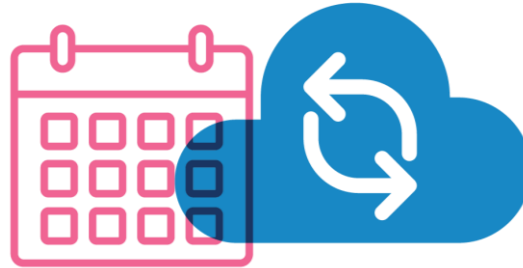
The Table of Contents is interactive. Click on a chapter in the Table of Contents to read that section.



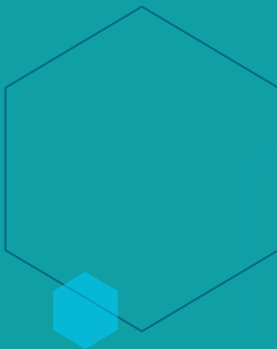
You can also click on the icon on the bottom left to go back to the Table of Contents.

Hyperlinks

Hyperlinks to the [Quality Payment Program website](#) are included throughout the guide to direct you to more information and resources.



Important Dates



Key Dates for Solo Practitioners and Groups Interested in Forming a Virtual Group for the 2021 Performance Year

**October
2020**

IMPORTANT: The virtual group election period starts on October 1, 2020. You may submit your virtual group election starting at this time.

Check if your group meets the Taxpayer Identification Number (TIN) size requirements (10 or fewer clinicians) to participate in the Merit-based Incentive Payment System (MIPS) as part of a virtual group by contacting your local [Technical Assistance](#) organization. Technical Assistance is available to small, underserved, and rural practices.

**December
2020**

IMPORTANT: The virtual group election period ends on December 31, 2020.

You have until 11:59 p.m. Eastern Time (ET) to **submit, revise, or retract** your virtual group election. After this date, you can't make changes to your election.

**January
2021**

The 2021 performance year begins on January 1, 2021.

Start collecting data for the virtual group.

Key Dates for Solo Practitioners and Groups Interested in Forming a Virtual Group for the 2021 Performance Year *(continued)*

**April
2021**

Registration for the Consumer Assessment of Healthcare Providers and Systems (CAHPS) for MIPS Survey opens on April 1, 2021.

**June
2021**

Registration for the CAHPS for MIPS Survey ends on June 30, 2021.

**December
2021**

IMPORTANT: If there are any changes to the makeup of the virtual group (i.e., if clinicians (identified by their National Provider Identifier (NPI)) have left or joined a TIN within the virtual group during the performance year), the virtual group's official representative must contact the [Quality Payment Program](#) regarding these changes by December 31, 2021.

Confirm that you're connected to the virtual group on the [Quality Payment Program website](#). See the "Connected to an Organization" document in the [Quality Payment Program Access User Guide](#) for further guidance.

The 2021 performance year ends on December 31, 2021.



Quick Facts



Participation

- A virtual group is one of several ways clinicians can participate in MIPS.
- A virtual group is a combination of 2 or more TINs assigned to one or more solo practitioners and/or one or more groups consisting of **10 or fewer clinicians** (including at least one MIPS eligible clinician).
- Virtual group eligibility for the 2021 performance year is based on data from the first 12-month segment (October 1, 2019 – September 30, 2020) of the MIPS Determination Period.
 - Contact your local [Technical Assistance](#) organization for small, underserved, and rural practices to determine if your TIN is MIPS eligible.
- For any solo practitioner or group that meets or exceeds at least 1 of the 3 low-volume threshold elements AND is included in a virtual group election, the virtual group election serves as their election to opt-in to MIPS.

Questions about participating in a virtual group?

Please reference the [2021 MIPS Virtual Group Participation Fact Sheet](#).

Selecting Measures and Activities, and Collecting and Submitting Data

- A virtual group can choose from the same measures and activities, and use the same submission types that are available to groups.
- A virtual group will collect and report data at the virtual group level.
- Each virtual group must aggregate its data across the virtual group (all TINs within the virtual group) for each of the 4 MIPS performance categories.

Virtual Group Election Process Overview

- The virtual group election period occurs from **October 1, 2020 to December 31, 2020** and is a 2-step process.
- To participate in MIPS as a virtual group for the 2021 performance year, a virtual group election **must be made before the 2021 performance year starts**. This means that a virtual group election must be made by 11:59 p.m. ET on December 31, 2020.
 - After an election is made, a virtual group has until December 31, 2020 to **revise or retract** their virtual group election (a virtual group election can't be revised or retracted once the performance year starts).
 - A virtual group must identify an official representative and establish a formal written agreement between each solo practitioner and/or group that composes the virtual group for a minimum of one performance year.
- An approved virtual group election will remain valid for the entire performance year, even if the virtual group's composition changes during the performance year.
 - If the virtual group experiences a **change** (i.e., clinicians (identified by their NPI) have left or joined a TIN within the virtual group) during the performance year, the virtual group's official representative must **notify** the [Quality Payment Program](#) of these changes by the end of the performance year.



Election Process



What Is the Election Process for Solo Practitioners and Groups Interested in Forming a Virtual Group?

A virtual group election is a **2-step process** for solo practitioners and groups with 10 or fewer clinicians (including at least one MIPS eligible clinician) who want to form a virtual group. Virtual groups can submit an election during the election period from **October 1, 2020 to December 31, 2020**.

To participate in MIPS as a virtual group for the 2021 performance year, a virtual group election must be made before the start of the performance year, and the election can't be revised during the performance year.

If a virtual group needs to **revise** their election or would like to **retract** their election, this must be done before the election period ends on December 31, 2020 at 11:59 p.m. ET.

The Virtual Group Election Process for the 2021 Performance Year

Step 1 (Optional)

Step 2 (Required)



Virtual Group Election Period Begins on October 1, 2020



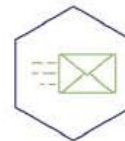
Verify TIN Eligibility and Criteria Is Met
Prepare your election by verifying virtual group eligibility (TINs meeting the TIN size criteria and exceeding the low-volume threshold elements).



Identify Official Representative
Identify your virtual group's official representative.



Formal Agreement
Establish formal written agreements between each solo practitioner and group in the virtual group.



Submit Virtual Group Election
Your official representative submits the virtual group election via e-mail before the end of the election period.



Virtual Group Election Period Ends on December 31, 2020



Virtual Group Election is Approved or Denied
A decision about your election is made after your election is submitted.
Note: Decisions are made after the close of the virtual group election period.



Notify CMS of Virtual Group Updates
Contact CMS via the Quality Payment Program regarding any changes to your virtual group information or composition during the election period and/or performance year.

Step 1: Where Should Solo Practitioners and Groups Interested in Joining or Forming a Virtual Group Start?

The first step of the virtual group election process is **optional** for solo practitioners and groups with 10 or fewer clinicians (with at least one being a MIPS eligible clinician type) who are interested in joining or forming a virtual group.

The first optional step is to check **eligibility** for your TIN and determine if the TIN **meets the criteria** to join or form a virtual group.

Although optional, we **strongly encourage** TINs interested in forming a virtual group to complete this step in order to determine if they **meet the criteria** to join or form a virtual group.

The Virtual Group Election Process for the 2021 Performance Year

Step 1 (Optional)



Virtual Group
Election Period
Begins on
October 1, 2020



**Verify TIN Eligibility
and Criteria Is Met**
Prepare your election by
verifying virtual group
eligibility (TINs meeting
the TIN size criteria
and exceeding the
low-volume threshold
elements).

Step 1: How Can Solo Practitioners and Groups Check Their Eligibility to Determine if They Meet the Virtual Group Criteria?

You can contact your **local Technical Assistance organization** to help you determine if a TIN meets the TIN size criteria to join or form a virtual group for the 2021 performance year. [Technical Assistance](#) is provided by professional and experienced providers who offer small, rural, and underserved practices direct personal assistance with the Quality Payment Program at no cost.

Once you determine that a TIN meets the size criteria, you can move forward onto the second step of the election process that's **required** to join or form a virtual group.

Please reference the [2021 MIPS Virtual Group Participation Fact Sheet](#) for information on participation criteria.

Step 2: What Does the Second Step of the Virtual Group Election Process Involve?

The second step of the virtual group election process is **required** for solo practitioners and groups with 10 or fewer clinicians (with at least one being a MIPS eligible clinician) that are interested in forming or joining a virtual group.

During the **second required step**, you will:

- Prepare for an election (i.e., budget your resources for the virtual group);
- Identify your official virtual group representative;
- Establish a formal written agreement between each solo practitioner and/or group within the virtual group; and
- Submit the virtual group election to CMS via e-mail (MIPS_VirtualGroups@cms.hhs.gov) by December 31, 2020 (11:59 p.m. ET).

Remember: The virtual group election period is **October 1, 2020 to December 31, 2020**.

The Virtual Group Election Process for the 2021 Performance Year

Step 2 (Required)



Identify Official Representative
Identify your virtual group's official representative.



Formal Agreement
Establish formal written agreements between each solo practitioner and group in the virtual group.



Submit Virtual Group Election
Your official representative submits the virtual group election via e-mail before the end of the election period.



Virtual Group Election Period Ends on December 31, 2020



Virtual Group Election is Approved or Denied
A decision about your election is made after your election is submitted.
Note: Decisions are made after the close of the virtual group election period.



Notify CMS of Virtual Group Updates
Contact CMS via the Quality Payment Program regarding any changes to your virtual group information or composition during the election period and/or performance year.

Step 2: What Does the Second Step of the Virtual Group Election Process Involve? (continued)

The following components are part of the second required step of the election process:



Identify Official Representative

Identify Your Official Virtual Group Representative

The official virtual group representative will be responsible for submitting the virtual group's election and serving as the virtual group's point of contact.

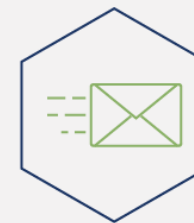


Formal Agreement

Have a Formal Written Agreement

Each virtual group is required to have a formal written agreement between each solo practitioner and group that composes the virtual group before an election is submitted.

Note: Virtual groups don't need to submit their formal written agreement to CMS as part of a virtual group election, but virtual groups will need to acknowledge in their election that a formal written agreement has been established.



Submit Virtual Group Election

Submit the Virtual Group's Election by the Election Submission Deadline

Each virtual group's official representative is responsible for submitting the virtual group's election to CMS via e-mail (MIPS_VirtualGroups@cms.hhs.gov) during the election period: October 1, 2020 to December 31, 2020.

Note: The virtual group election period ends at 11:59 p.m. ET on December 31, 2020.

Step 2: What Does the Second Step of the Virtual Group Election Process Involve? (continued)

The following components are part of the second required step of the election process:



Virtual Group
Election is Approved
or Denied

CMS Determines Eligibility for Submitted Virtual Group Elections

CMS conducts eligibility determinations for each TIN within a virtual group election to determine which TINs meet the TIN size criteria and exceed the low-volume threshold elements.



Notify CMS of Virtual
Group Updates

Notify CMS of Changes to Virtual Group Composition and/or Information

If an **NPI joins** or **leaves** a TIN that is part of the virtual group, or a **change** is made to a TIN that impacts the formal written agreement (i.e., a legal business name change), a virtual group must update the formal written agreement, and a virtual group's official representative must notify the Quality Payment Program of these changes.

If these changes occurred during:

- **The Virtual Group Election Period:** Contact the [Quality Payment Program](#) to revise your election before the election period ends on December 31, 2020.
- **The 2021 Performance Year:** Contact the [Quality Payment Program](#) to notify CMS of these changes by December 31, 2021.

To learn more about notifying CMS of any changes, review the [Next Steps](#) section in this guide.

Step 2: What Needs to Be Included in a Virtual Group Agreement?

A virtual group arrangement must be established in a **formal written agreement** between each solo practitioner and group that composes a virtual group.

- A virtual group agreement must include the **9 required elements** listed in the [Virtual Group Agreement Checklist](#), which is available in Appendix B for your reference.
- A [Virtual Group Agreement Template](#) is available in Appendix C for you to reference as a guide when establishing your virtual group agreement.

The parties that must establish a virtual group agreement are the TINs that make up the virtual group. The formal written virtual group agreement must: identify all clinicians who bill under each TIN within the virtual group; and be for at least one performance year.

Need to Update Your Virtual Group's Election Information?

For more information on how to update the information provided in your virtual group election, please see the [Next Steps](#) section of this guide.

Step 2: What Information Needs to Be Included in a Virtual Group Election?

The virtual group election **must include** the following:



Identification of the **official virtual group representative**.

- Provide the representative's name, TIN/practice affiliation, and contact information.



Identification and information on each TIN and NPI associated with the virtual group.

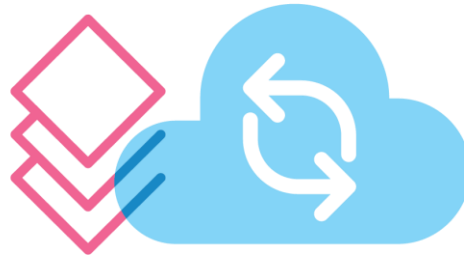
- Provide the TIN and legal business name, as recorded in the [Provider Enrollment, Chain, and Ownership System \(PECOS\)](#), for each TIN.
 - For a TIN that is the Social Security Number (SSN) of a clinician, **only** include the **last 6 digits** of the SSN when you're submitting an election.
- Include the name and NPI of the clinicians associated with each TIN.



Acknowledgement that a **formal written agreement** has been established between each solo practitioner and group that composes a virtual group.

- **Note:** Formal written agreements **don't** need to be submitted to CMS as part of the group election.

An [Election E-mail Sample](#) is available in Appendix D for you to reference as you prepare to submit a virtual group election.



Next Steps



How Does a Virtual Group Update the Virtual Group Information Included in Their Election if Something Has Changed During the Election Period?

If there are any changes to the information that was included in your virtual group election, such as a **NPI joins or leaves the TIN** or a **change is made to a TIN that impacts the agreement** (i.e., a legal business name change, virtual group composition, etc.), your virtual group's official representative must submit a revised virtual group election to CMS via e-mail (MIPS_VirtualGroups@cms.hhs.gov) by December 31, 2020 (11:59 p.m. ET).

A virtual group can **revise or retract** their election until the end of the election period on December 31, 2020. After the election period closes, your group **can't** revise or retract your election and your election will remain valid for the entire performance year if your virtual group is approved by CMS.

What Does a Virtual Group Do if Something Has Changed with Their Virtual Group After the Election Period Closes?

If there are any changes to your virtual group during the 2021 performance year (January 1, 2021 to December 31, 2021), such as a **NPI joins or leaves the TIN**, or a **change is made to a TIN that impacts the agreement** (i.e., a legal business name change, virtual group composition, etc.), your virtual group's official representative must contact the [Quality Payment Program](#) to **notify CMS** of the changes to your virtual group by the **end of the performance year (December 31, 2021)**.

Note: An approved virtual group election will remain valid for the entire performance year, even if the virtual group's composition changes during the performance year. For example, if a TIN within a virtual group has 10 NPIs at the start of the performance year, but a NPI joins the TIN during the performance year, such TIN would continue to be part of the virtual group even though it has 11 NPIs associated with the TIN. While the clinician composition of TINs that are part of a virtual group may change following an election, virtual groups can't add or remove TINs from the virtual group during the performance year.

To notify CMS of updates to your virtual group that occurred during the 2021 performance year, please contact the Quality Payment Program at 1-866-288-8292, Monday through Friday, 8 a.m. – 8 p.m. ET or via e-mail at qpp@cms.hhs.gov. Customers who are hearing impaired can dial 711 to be connected to a TRS Communications Assistant.

How Does CMS Evaluate a Virtual Group Election for the 2021 Performance Year?

After CMS receives a virtual group election via e-mail, claims data is assessed from the first 12-month segment (October 1, 2019 – September 30, 2020) of the MIPS Determination Period to determine eligibility of each TIN identified in a virtual group election for the 2021 performance year.

Eligibility determinations are made to identify: solo practitioners who are MIPS eligible clinician types and exceed all 3 low-volume threshold elements (or meet or exceed at least 1 low-volume threshold element for opt-in purposes); and groups that meet the TIN size criteria and exceed all 3 low-volume threshold elements (or meet or exceed at least 1 low-volume threshold element for opt-in purposes).

How Are Virtual Groups Notified if Their Virtual Group Election Was Approved?

After CMS receives a virtual group's election and determines that the virtual group meets the virtual group eligibility criteria, the virtual group is **approved** to participate in the 2021 MIPS performance year as an official virtual group.

CMS will **notify** the virtual group's official representative of the virtual group's official virtual group status and issue a virtual group identifier (Virtual Group ID).

Each virtual group is assigned a unique Virtual Group ID (i.e., X12345), which is a representation of the following:



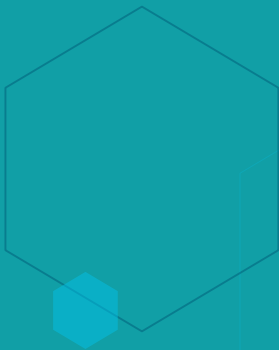
Note: An approved virtual group election will remain valid for the entire performance year, even if the virtual group's composition changes during the performance year.

Virtual groups using a third-party intermediary (i.e., Qualified Registries, Qualified Clinical Data Registries (QCDRs), and/or electronic health records (EHRs)) to submit their performance data will need to provide their Virtual Group ID to the third-party intermediary.

- The third-party intermediary will include the Virtual Group ID alone (i.e., X12345) in the file submissions.
- Virtual groups that elect to administer the CAHPS for MIPS Survey will need to register and provide their Virtual Group ID (i.e., X12345) during registration.



Help, Resources, Glossary, and Version History



Help, Resources, Glossary, and Version History

Where Can You Go for Help?

Contact the Quality Payment Program at 1-866-288-8292, Monday through Friday, 8 a.m. – 8 p.m. ET or by e-mail at: QPP@cms.hhs.gov.

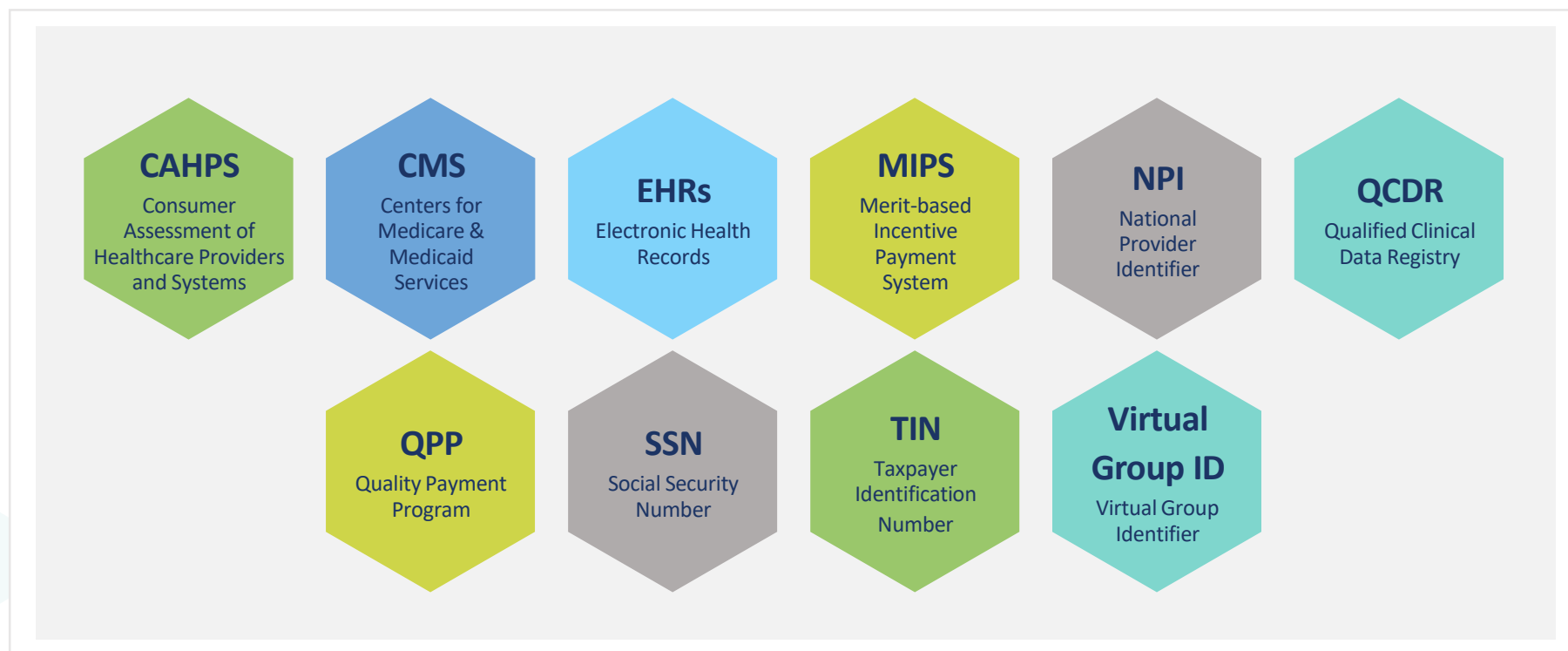
- Customers who are hearing impaired can dial 711 to be connected to a TRS Communications Assistant.

Connect with your [local Technical Assistance organization](#). We provide no-cost technical assistance to small, underserved, and rural practices to help you successfully participate in the Quality Payment Program.

Visit the [Quality Payment Program website](#) for additional [help and support](#) resources and visit the [QPP Resource Library](#) for information and resources pertaining to [MIPS](#).

Help, Resources, Glossary, and Version History

Glossary



Help, Resources, Glossary, and Version History

Version History

If we need to update this document, changes will be identified here.

Date	Change Description
9/30/2020	Original posting



Appendices



Appendix A: Prep Questions to Consider When Forming a Virtual Group

*Solo practitioners and groups interested in forming a virtual group are encouraged to **consider the following items** prior to submitting a virtual group election.*

- ☐ How would the virtual group meet the requirements for each performance category?
- ☐ Are there operational elements that the virtual group would need to address in order to meet the reporting requirements for each performance category?
- ☐ Which measures and activities would the virtual group report?
- ☐ How would the virtual group collect and aggregate its data across the TINs within the virtual group?
- ☐ Which submission type(s) would the virtual group use?
- ☐ What health information technology is used by each TIN within the virtual group?
- ☐ What would be the resources and needs of the virtual group?
- ☐ How would the virtual group identify and share best practices used by TINs within the virtual group?
- ☐ What processes, workflows, and other tools would need to be established for the virtual group to prepare for reporting?
- ☐ How would each TIN within the virtual group have a shared responsibility in decision making?
- ☐ Has the virtual group considered the development of a strategic plan and timeline?
- ☐ Has the virtual group determined if, how, and when TINs within the virtual group would be able to view quality data and/or data pertaining to the other 3 performance categories, in which such permissibility could be established as a provision under the virtual group agreement?

Appendix B: Virtual Group Agreement Checklist

CMS created a [Virtual Group Agreement Template](#) (see next page) that can be used by virtual groups. Virtual groups can add elements to the agreement that would meet the needs of the virtual group.

The following are the required elements of a formal written agreement that will be established 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.
- ☐ Requires that each TIN within a virtual group notify all NPIs associated with the TIN of their participation in MIPS as a 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 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).
- ☐ 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 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 in 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 representative of any such changes within 30 days after the change.
- ☐ Is for a term of at least one performance year 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.

Appendix C: Virtual Group Agreement Template

Virtual Group Agreement Template

Sample Introductory Paragraph:

This Virtual Group Agreement ("Agreement") is by and between Virtual Group Identifier provided by the Centers for Medicare & Medicaid Services, and XYZ Group Practice P.C. ("virtual group member") and is effective [Month, Day, Year] ("Effective Date").

<Body of Agreement>

Sample Signature Page:

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by the duly authorized representatives as of the dates below.

Virtual Group Member/National Provider Identifier

Signature

Virtual Group Member/National Provider Identifier

Signature

Virtual Group Member/National Provider Identifier

Signature

Virtual Group Member/National Provider Identifier

Signature

Virtual group agreement is valid for at least one performance year.

Requires completion of close-out process upon termination or expiration of agreement.

Identifies parties that are subject to the agreement by name of party, TIN, and NPI.

NOTE: Each TIN within a virtual group must notify all NPIs associated with that TIN of their participation in MIPS as a virtual group.

Identify virtual group member joining/forming virtual group.

Date virtual group agreement goes into effect.

Agreement is executed on behalf of each party by an individual authorized to bind the party.

Agreement must also:

- Express and require each virtual group member to comply with requirements of MIPS and other applicable laws and regulations.
- Set forth NPI's rights and obligations in, and representation by, the virtual group.
- Describe the opportunity to receive payment adjustments.
- Require each member of the agreement to update their Medicare enrollment information and the official representative to notify CMS of updates.

Appendix D: Virtual Group Election E-mail Sample

VIRTUAL GROUP ELECTION SUBMISSION E-MAIL SAMPLE

This is a sample email that could be used in a virtual group election submission.

Enter "Virtual Group Election" into the subject line.

Subject: Virtual Group Election

Identify yourself (official representative).

Body of E-Mail:

Official virtual group representative:

John Doe
Group Practice X
1211 Example Avenue
Example, EX 11111
Phone: (555) 555-5555
E-Mail: JohnDoe@GroupPracticeX.com

Identify virtual group member by name of party, TIN, and NPI.

NOTE: You may use an Excel file format for virtual groups with a large number of NPIs by structuring the file with the first column being the group practice name, then TIN, NPI, and first name, last name.

As the official representative, I acknowledge that a formal, written agreement has been established between the below groups and solo practitioner.

Acknowledge that a written virtual group agreement has been established and indicate the participating members (groups and/or solo practitioners) that will be participating in the virtual group.

The following groups and solo practitioner are electing to form a virtual group:

- Group Practice X: (TIN) XX-XXXXXXX
 - Clinician A Name: (NPI) XXXXXXXXXXX
 - Clinician B Name: (NPI) XXXXXXXXXXX
 - Clinician C Name: (NPI) XXXXXXXXXXX
- Group Practice Y: (TIN) XX-XXXXXXX
 - Clinician D Name: (NPI) XXXXXXXXXXX
 - Clinician E Name: (NPI) XXXXXXXXXXX
 - Clinician F Name: (NPI) XXXXXXXXXXX
 - Clinician G Name: (NPI) XXXXXXXXXXX
- Dr. Z Practice: (TIN) XX-XXXXXXX (TIN is the SSN of Dr. Z; only provided the last six digits as required by CMS)
 - Clinician Z Name: (NPI) XXXXXXXXXXX

If a clinician's TIN is their SSN, provide **ONLY** the last 6 digits of the clinician's SSN.

Virtual Group elections should be emailed to: MIPS_VirtualGroups@cms.hhs.gov