§ 2999-p. Establishment of ACOs. 1. An accountable care organization: (a) is an organization of clinically integrated health care providers that work together to provide, manage, and coordinate health care (including primary care) for a defined population; with a mechanism for shared governance; the ability to negotiate, receive, and distribute payments; and accountability for the quality, cost, and delivery of health care to the ACO's patients; in accordance with this article; and (b) has been issued a certificate of authority by the commissioner under this article.

2. The commissioner shall establish a program within the department to promote and regulate the use of ACOs to deliver an array of health care services for the purpose of improving the quality, coordination and accountability of services provided to patients in New York.

3. The commissioner may issue a certificate of authority to an entity that meets conditions for ACO certification as set forth in regulations made by the commissioner pursuant to section twenty-nine hundred ninety-nine-q of this article. The commissioner shall not issue any new certificate under this article after December thirty-first, two thousand twenty-eight.

4. (a) Notwithstanding subdivision three of this section, the commissioner shall issue a certificate of authority as a Medicare-only ACO to an entity authorized by CMS to be an accountable care organization under the Medicare program, upon receiving an application to be a Medicare-only ACO from the entity documenting its status under this subdivision. A certificate of authority under this subdivision shall only apply to the Medicare-only ACO's actions in relation to Medicare beneficiaries under its authorization from CMS.

(b) To the extent consistent with CMS regulations, a Medicare-only ACO shall be subject to:

(i) subdivision seven of section twenty-nine hundred ninety-nine-q and subdivisions one, two and three of section twenty-nine hundred ninety-nine-r of this article, without regard to whether the commissioner has made regulations under this article; and

(ii) other provisions of this article to the extent specifically

provided by the commissioner in regulations consistent with this article.

5. The commissioner may limit, suspend, or terminate a certificate of authority if an ACO is not operating in accordance with this article.

6. The commissioner is authorized to seek federal approvals and waivers to implement this article, including but not limited to those approvals or waivers necessary to obtain federal financial participation.