

## LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2023

<b>Long-Term Care</b>					
U.S.C. Section(s)	CFR <sup>1</sup>	Description <sup>2</sup>	Date of Last Penalty Figure or Adjustment <sup>3</sup>	2022 Maximum Adjusted Penalty (\$)	2023 Maximum Adjusted Penalty (\$) <sup>4</sup>
1395i-3(b)(3)(B)(ii)(1)	42 CFR 1003.210(a)(11)	Penalty for certification of a false statement in assessment of functional capacity of a Skilled Nursing Facility resident assessment.	2022	2,400	2,586
1395i-3(b)(3)(B)(ii)(2)	42 CFR 1003.210(a)(11)	Penalty for causing another to certify or make a false statement in assessment of functional capacity of a Skilled Nursing Facility resident assessment.	2022	11,995	12,924
1395i-3(g)(2)(A)	42 CFR 1003.1310	Penalty for any individual who notifies or causes to be notified a Skilled Nursing Facility of the time or date on which a survey is to be conducted.	2022	4,799	5,171
1396r(f)(2)(B)(iii)(I)(c)	42 CFR 483.151(b)(2)(iv) and (b)(3)(iii)	Grounds to prohibit approval of nurse aide training program – if assessed a penalty in 1819(h)(2)(B)(i) or 1919(h)(2)(A)(ii) of "not less than \$5,000" [Not CMP authority, but a specific CMP amount (CMP at this level) that is the triggering condition for disapproval]	2022	11,995	12,924
1320a-7j(h)(3)(A)	42 CFR 483.70(l)	Penalty for an administrator of a facility that fails to comply with notice requirements for the closure of a facility.	2022	126,463	136,258
1396r(h)(3)(C)(ii)(I)	42 CFR 483.151(c)(1)	Grounds to waive disapproval of nurse aide training program - reference to disapproval based on imposition of CMP "not less than \$5,000" [Not CMP authority but CMP imposition at this level determines eligibility to seek waiver of disapproval of nurse aide training program].	2022	11,995	12,924

## LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2023

		Minimum penalty for the first offense of an administrator who fails to provide notice of facility closure.	2022	632	681
		Minimum penalty for the second offense of an administrator who fails to provide notice of facility closure.	2022	1,898	2,045
		Minimum penalty for the third and subsequent offenses of an administrator who fails to provide notice of facility closure.	2022	3,793	4,087
1320b-25(c)(1)(A)		Penalty for failure of covered individuals to report to the Secretary and 1 or more law enforcement officials any reasonable suspicion of a crime against a resident, or individual receiving care, from a long-term care facility.	2022	252,925	272,514
1320b-25(c)(2)(A)		Penalty for failure of covered individuals to report to the Secretary and 1 or more law enforcement officials any reasonable suspicion of a crime against a resident, or individual receiving care, from a long-term care facility if such failure exacerbates the harm to the victim of the crime or results in the harm to another individual.	2022	379,386	408,769
1320b-25(d)(2)		Penalty for a long-term care facility that retaliates against any employee because of lawful acts done by the employee, or files a complaint or report with the State professional disciplinary agency against an employee or nurse for lawful acts done by the employee or nurse.	2022	252,925	272,514
1395i-3(h)(2)(B)(ii)(I)	42 CFR 488.408(d)(1)(iii)	Penalty per day for a Skilled Nursing Facility that has a Category 2 violation of certification requirements.			
		Minimum	2022	120	129
		Maximum	2022	7,195	7,752

## LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2023

1395i-3(h)(2)(B)(ii)(I)	42 CFR 488.408(d)(1)(iii)	Penalty per instance of Category 2 noncompliance by a Skilled Nursing Facility.			
		Minimum	2022	2,400	2,586
		Maximum	2022	23,989	25,847
	42 CFR 488.408(e)(1)(iii)	Penalty per day for a Skilled Nursing Facility that has a Category 3 violation of certification requirements.			
		Minimum	2022	7,317	7,884
		Maximum	2022	23,989	25,847
	42 CFR 488.408(e)(1)(iv)	Penalty per instance of Category 3 noncompliance by a Skilled Nursing Facility.			
		Minimum	2022	2,400	2,586
		Maximum	2022	23,989	25,847
	42 CFR 488.408(e)(2)(ii)	Penalty per day and per instance for a Skilled Nursing Facility that has Category 3 noncompliance with Immediate Jeopardy:.			
		Minimum Per Day	2022	7,317	7,884
		Maximum Per Day	2022	23,989	25,847
		Minimum Per Instance	2022	2,400	2,586
		Maximum Per Instance	2022	23,989	25,847
	42 CFR 488.438(a)(1)(i)	Penalty per day of a Skilled Nursing Facility that fails to meet certification requirements. These amounts represent the upper range per day.			
		Minimum	2022	7,317	7,884
		Maximum	2022	23,989	25,847
	42 CFR 488.438(a)(1)(ii)	Penalty per day of a Skilled Nursing Facility that fails to meet certification requirements. These amounts represent the lower range per day.			
		Minimum	2022	120	129
		Maximum	2022	7,195	7,752
	42 CFR 488.438(a)(2)	Penalty per instance of a Skilled Nursing Facility that fails to meet certification requirements.			
		Minimum	2022	2,400	2,586

## LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2023

		Maximum	2022	23,989	25,847
1395cc(g)	42 CFR 1003.210(a)(5)	Penalty for improper billing by Hospitals, Critical Access Hospitals, or Skilled Nursing Facilities.	2022	5,816	6,266
	42 CFR 488.447	Penalty imposed for failure to comply with infection control weekly reporting requirements at 42CFR 483.80(g)(1) and (2).			
		First Occurrence	2022	1,075	1,158
		Incremental increases for each subsequent occurrence.	2022	537	579

### Clinical Laboratory Improvement Amendments

U.S.C. Section(s)	CFR <sup>1</sup>	Description <sup>2</sup>	Date of Last Penalty Figure or Adjustment <sup>3</sup>	2022 Maximum Adjusted Penalty (\$)	2023 Maximum Adjusted Penalty (\$) <sup>4</sup>
263a(h)(2)(B) & 1395w- 2(b)(2)(A)(ii)	42 CFR 493.1834(d)(2)(i)	Penalty for a clinical laboratory's failure to meet participation and certification requirements and poses immediate jeopardy.			
		Minimum	2022	7,018	7,562
		Maximum	2022	23,011	24,793
	42 CFR 493.1834(d)(2)(ii)	Penalty for a clinical laboratory's failure to meet participation and certification requirements and the failure does not pose immediate jeopardy.			
		Minimum	2022	116	125

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		Maximum	2022	6,902	7,437
1395l(h)(5)(D)	42 CFR 402.105(d)(2)(i)	Penalty for knowingly, willfully, and repeatedly billing for a clinical diagnostic laboratory test other than on an assignment-related basis. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)	2022	17,472	18,825

<b>Home Health Agencies</b>					
U.S.C. Section(s)	CFR <sup>1</sup>	Description <sup>2</sup>	Date of Last Penalty Figure or Adjustment <sup>3</sup>	2022 Maximum Adjusted Penalty (\$)	2023 Maximum Adjusted Penalty (\$) <sup>4</sup>
1395bbb(c)(1)	42 CFR 488.725(c)	Penalty for any individual who notifies or causes to be notified a home health agency of the time or date on which a survey of such agency is to be conducted.	2022	4,799	5,171
1395bbb(f)(2)(A)(i)	42 CFR 488.845(b)(2)(iii), (b)(3) – (6), and (d)(1)(ii)	Maximum daily penalty for each day a home health agency is not in compliance with statutory requirements.	2022	23,011	24,793
	42 CFR 488.845(b)(3)	Penalty per day for home health agency's noncompliance (Upper Range).			
		Minimum	2022	19,559	21,074
		Maximum	2022	23,011	24,793

## LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2023

	42 CFR 488.845(b)(3)(i)	Penalty for a home health agency's deficiency or deficiencies that cause immediate jeopardy and result in actual harm.	2022	23,011	24,793	
	42 CFR 488.845(b)(3)(ii)	Penalty for a home health agency's deficiency or deficiencies that cause immediate jeopardy and result in potential for harm.	2022	20,709	22,313	
	42 CFR 488.845(b)(3)(iii)	Penalty for an isolated incident of noncompliance in violation of established HHA policy.	2022	19,559	21,074	
	42 CFR 488.845(b)(4)	Penalty for a repeat and/or condition level deficiency that does not constitute immediate jeopardy, but is directly related to poor quality patient care outcomes (Middle Range).				
			Minimum	2022	3,453	3,720
			Maximum	2022	19,559	21,074
	42 CFR 488.845(b)(5)	Penalty for a repeat and/or condition level deficiency that does not constitute immediate jeopardy and that is related predominately to structure or process-oriented conditions (Lower Range).				
			Minimum	2022	1,151	1,240
			Maximum	2022	2,301	2,479
	42 CFR 488.845(b)(6)	Penalty imposed for instance of noncompliance that may be assessed for one or more singular events of condition-level noncompliance that are identified				

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		and where the noncompliance was corrected during the onsite survey.			
		Minimum	2022	2,301	2,479
		Maximum	2022	23,011	24,793
	42 CFR 488.845(d)(1)(ii)	Penalty for each day of noncompliance (Maximum).	2022	23,011	24,793

<b>Hospice Programs</b>					
U.S.C. Section(s)	CFR <sub>1</sub>	Description <sub>2</sub>	Date of Last Penalty Figure or Adjustment <sub>3</sub>	2022 Maximum Adjusted Penalty (\$)	2023 Maximum Adjusted Penalty (\$) <sup>4</sup>
1395i– 6(c)(5)(B)(i)	42 CFR 488.1245(b)(2)(iii), (b)(3) – (6), and (d)(1)(ii)	Maximum daily penalty for each day a hospice program is not in substantial compliance with one or more conditions of participation	2022	10,000	10,775
	42 CFR 488.1245(b)(3)	Penalty per day for hospice program’s noncompliance (Upper Range).			
		Minimum	2022	8,500	9,158
		Maximum	2022	10,000	10,775

	42 CFR 488.1245(b)(3)(i)	Penalty for a hospice program's deficiency or deficiencies that cause immediate jeopardy and result in actual harm.	2022	10,000	10,775
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	42 CFR 488.1245(b)(3)(ii)	Penalty for a hospice program's deficiency or deficiencies that cause immediate jeopardy and result in potential for harm.	2022	9,000	9,697
	42 CFR 488.1245(b)(3)(iii)	Penalty for an isolated incident of noncompliance in violation of established hospice policy.	2022	8,500	9,158
	42 CFR 488.1245(b)(4)	Penalty for a repeat and/or condition level deficiency that does not constitute immediate jeopardy, but is directly related to poor quality patient care outcomes (Middle Range).			
		Minimum	2022	1,500	1,616
		Maximum	2022	8,500	9,158
	42 CFR 488.1245(b)(5)	Penalty for a repeat and/or condition level deficiency that does not constitute immediate jeopardy and that is related predominately to structure or process-oriented conditions (Lower Range).			
		Minimum	2022	500	539
		Maximum	2022	4,000	4,310
	42 CFR 488.1245(b)(6)	Penalty imposed for instance of noncompliance that may be assessed for one or more singular events of condition-level noncompliance that are identified			
		and where the noncompliance was corrected during the onsite survey.			
		Minimum	2022	1,000	1,077



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		Maximum	2022	10,000	10,775
	42 CFR 488.1245(d)(1)(ii)	Penalty for each day of noncompliance (Maximum).	2022	10,000	10,775

<sup>1</sup>Some HHS components have not promulgated regulations regarding their civil monetary penalty-specific statutory authorities.

<sup>2</sup>The description is not intended to be a comprehensive explanation of the underlying violation; the statute and corresponding regulation, if applicable, should be consulted.

<sup>3</sup>Statutory or Inflation Act Adjustment.

<sup>4</sup>The cost of living multiplier for 2023, based on the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October 2022, not seasonally adjusted, is 1.07745, as indicated in OMB Memorandum M-23-05 “Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Adjustment Act Improvements Act of 2015”