

Mark J. Chastang  
Chief Executive Officer  
Saint Elizabeths Hospital  
1100 Alabama Avenue SE  
Washington, DC 20032

THIS PAGE LEFT BLANK INTENTIONALLY

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop C5-15-12  
Baltimore, Maryland 21244-1850



Center for Medicare

---

September 5, 2023

Reference Number: 55162021

Unique Case Number (UCN): 2023HPT011

Via Certified Mail

Mark J. Chastang  
Chief Executive Officer  
Saint Elizabeths Hospital  
1100 Alabama Avenue SE  
Washington, DC 20032

**RE: Hospital Price Transparency Notice of Imposition of a Civil Monetary Penalty (CMP)**

Dear Mark J. Chastang:

The Centers for Medicare & Medicaid Services (CMS) is imposing a civil monetary penalty (CMP) as described in 45 C.F.R. § 180.90. CMS has determined that Saint Elizabeths Hospital meets the definition of a hospital specified in 45 C.F.R. § 180.20 and that as of the date of this notice, Saint Elizabeths Hospital is noncompliant with the price transparency requirements under Section 2718(e) of the Public Health Service Act, 42 U.S.C. § 300gg-18(e), and 45 C.F.R. Part 180 (<https://www.govinfo.gov/content/pkg/FR-2019-11-27/pdf/2019-24931.pdf>). CMS has determined that your hospital has been noncompliant since at least January 17, 2023.

CMS initially completed a review of Saint Elizabeths Hospital's website, <https://dbh.dc.gov/page/saint-elizabeths-hospital>, on January 17, 2023. Pursuant to 45 C.F.R. § 180.70(b), CMS issued a Warning Notice dated January 19, 2023. The Warning Notice notified the hospital of the following material violations:

**Violations – Comprehensive Machine-Readable File**

1. Failure to make public a machine-readable file containing a list of all standard charges for all items and services online as required at 45 C.F.R. § 180.40(a) and 45 C.F.R. § 180.50(a). Specifically, no online machine-readable file was found.

## **Violations – Displaying Shoppable Services in a Consumer-Friendly Manner**

1. Failure to make available a consumer-friendly list of standard charges for a limited set of shoppable services as provided in 45 C.F.R. § 180.60, as required at 45 C.F.R. § 180.40(b). Specifically, no consumer-friendly list of standard charges was found.

In response to the Warning Notice, Saint Elizabeths Hospital emailed CMS on February 17, 2023. The email came from the hospital's Chief Operating Officer (COO), K. Singh Taneja. Your hospital explained you were in receipt of the Warning Notice and stated your rates had been published on your website since January 6, 2022. A link was provided to your charges and information regarding your rates was also included in the email. These did not meet the HPT requirements. Therefore, CMS responded on February 24, 2023, providing information regarding the broad requirements of the HPT regulation and links to HPT resources. CMS also sent a request for a designated point of contact to further discuss your compliance status with the HPT regulations.

CMS completed a review of Saint Elizabeths Hospital's website, <https://dbh.dc.gov/page/saint-elizabeths-hospital>, on April 27, 2023. Based upon this review, it was determined that Saint Elizabeths Hospital remained in material violation of the requirements under 45 C.F.R. §§ 180.40-180.60 to make public its list of standard charges. On April 27, 2023, CMS issued a Notice of Violation and Request for Corrective Action Plan (CAP) notifying the hospital of the following material violations:

### **Violations – Comprehensive Machine-Readable File**

1. Failure to make public a machine-readable file containing a list of all standard charges for all items and services online as required at 45 C.F.R. § 180.40(a) and 45 C.F.R. § 180.50(a). Specifically, no online machine-readable file was found.

## **Violations – Displaying Shoppable Services in a Consumer-Friendly Manner**

1. Failure to make available a consumer-friendly list of standard charges for a limited set of shoppable services described in 45 C.F.R. § 180.60, as required by 45 C.F.R. § 180.40(b). Specifically, no consumer-friendly list of standard charges was found.

In response to the Request for CAP, the hospital's COO emailed CMS on May 1, 2023, providing the same details regarding your posted rates as in the previous email. CMS responded via email on May 3, 2023, requesting the CEO/President of the hospital designate a point of contact to further discuss the hospital's compliance.

CMS completed a review of Saint Elizabeths Hospital's website, <https://dbh.dc.gov/page/saint-elizabeths-hospital>, on June 21, 2023. The same material violations found during the previous reviews were identified:

## **Violations – Comprehensive Machine-Readable File**

1. Failure to make public a machine-readable file containing a list of all standard charges for all items and services online as required at 45 C.F.R. § 180.40(a) and 45 C.F.R. § 180.50(a). Specifically, no online machine-readable file was found.

## **Violations – Displaying Shoppable Services in a Consumer-Friendly Manner**

1. Failure to make available a consumer-friendly list of standard charges for a limited set of shoppable services described in 45 C.F.R. § 180.60, as required by 45 C.F.R. § 180.40(b). Specifically, no consumer-friendly list of standard charges was found.

CMS sent an email to the hospital CEO on July 6, 2023, offering to have a discussion regarding the violations. In response, your hospital's Compliance and Performance Improvement Officer requested dates and times from CMS to discuss compliance expectations. In order to schedule the technical assistance call, CMS again requested a designated POC on July 18, 2023. On July 20, 2023, Saint Elizabeths Hospital's CEO and COO emailed CMS designating the Compliance and Performance Improvement Officer as the point of contact for Hospital Price Transparency compliance matters.

CMS completed a technical assistance call with your hospital on July 21, 2023 and sent a follow up email that same day summarizing the call. Saint Elizabeths Hospital replied to the email on July 21, 2023 requesting an extension on your CAP implementation. CMS sent an email response later that day notifying your hospital that an extension cannot be granted and that all material violations must be corrected within 90 days of the Notice of Violation and Request for CAP.

On July 24, 2023, Saint Elizabeths Hospital emailed CMS requesting clarification on whether a Shoppable Services file is required as the hospital does not offer any shoppable services. CMS replied that it was acceptable to provide a disclaimer on the website stating that the hospital does not offer any shoppable services. Saint Elizabeths Hospital submitted a CAP on July 24, 2023, with a target completion date of July 27, 2023. CMS approved the CAP via email on July 25, 2023.

CMS completed a review of Saint Elizabeths Hospital's website <https://dbh.dc.gov/page/saint-elizabeths-hospital>, on August 14, 2023. The following material violation was still identified:

## **Violations – Comprehensive Machine-Readable File**

1. Failure to make public a machine-readable file containing a list of all standard charges for all items and services online as required at 45 C.F.R. § 180.40(a) and 45 C.F.R. § 180.50(a). Specifically, no online machine-readable file was found.

During this review, CMS did identify a document titled "Saint Elizabeths Hospital Standard Charges" however this document did not meet the machine-readable format definition required

by 45 C.F.R. § 180.20. Saint Elizabeths Hospital continues to be out of compliance with 45 C.F.R. §§ 180.40 – 180.60. Therefore, CMS is imposing the CMP set forth below.

### **I. Amount of the CMP**

Based on the foregoing finding of noncompliance with the requirement to make public a machine-readable file containing all standard hospital charges, CMS is imposing a total CMP of \$677,440.00 pursuant to 45 C.F.R. § 180.90. The CMP is calculated as follows:

- a) \$10.00 per bed per day for hospitals with a bed count greater than 30 but not more than 550 = \$10.00 x (292 beds<sup>1</sup>) x (232 days) = \$677,440.00. This CMP is calculated from January 17, 2023, up to and including September 5, 2023, the date of this notice.

CMS may issue subsequent notices imposing additional CMPs for continuing violation(s) as described at 45 C.F.R. § 180.90(b)(2)(iv), (f). **CMS may impose additional CMPs until CMS determines your hospital is in full compliance with 45 C.F.R. §§ 180.40 – 180.60 as appropriate. It is suggested that your hospital notify CMS via email at [HPTCompliance@cms.hhs.gov](mailto:HPTCompliance@cms.hhs.gov) when it makes any necessary corrections to be compliant with the relevant sections of 45 C.F.R. §§ 180.40 – 180.60, as indicated above.**

### **II. Payment of CMP**

Pursuant to 45 C.F.R. § 180.90(d), your hospital must pay the CMP in full within 60 calendar days<sup>2</sup> from the date of this notice of imposition of CMP.

If your hospital decides to request a hearing, and a final and binding decision upholds the CMP in whole or in part as described in 45 C.F.R. Part 180, Subpart D, then your hospital must pay the CMP amount that was upheld within 60 calendar days from the date of the final and binding decision, as specified in 45 C.F.R. § 180.90(d)(2). More information regarding Appeal Rights can be found in Section III.

The CMP may be paid by federal ACH wire transfer.

*To Pay via Federal ACH Wire Transfer*

Subtype/Type Code:	10 00
Amount:	\$677,440.00
Sending Bank Routing Number:	[REDACTED]
ABA Number of Receiving Institution:	[REDACTED]
Receiver Name:	Treasury NYC
Receiving Institution Name:	Federal Reserve Bank of New York

<sup>1</sup> Pursuant to 45 C.F.R. § 180.90(c)(2)(ii)(D)(1), CMS used the most recently available, finalized Medicare hospital cost report to determine the number of beds.

<sup>2</sup> Pursuant to 45 C.F.R. § 180.90(d)(3), if the 60th calendar day is a weekend or a Federal holiday, then the timeframe is extended until the end of the next business day.

Receiving Institution Address:	33 Liberty Street, New York, NY 10045
Beneficiary Account Number:	[REDACTED]
Beneficiary Name:	Centers for Medicare & Medicaid Services (CMS)
Beneficiary Physical Address:	7500 Security Blvd., Baltimore, MD 21244
CMS Tax ID Number:	[REDACTED]
Credit Gateway Customer Care Number	1-877-815-1206
Re: Unique Case Number (UCN) 2023HPT011 and Hospital Price Transparency CMP	[REDACTED]

### III. Appeal Rights

Pursuant to 45 C.F.R. Part 180, Subpart D, your hospital may appeal CMS' CMP determination by requesting a hearing before an Administrative Law Judge (ALJ) of the U.S. Department of Health and Human Services' Departmental Appeals Board (DAB). To request a hearing, your hospital must submit its hearing request within 30 calendar days<sup>3</sup> of the issuance of the notice of imposition of CMP in accordance with the procedures outlined in 45 C.F.R. § 150.401, *et. seq.* The request for a hearing must comply with the requirements described in 45 C.F.R. § 150.407.

The DAB no longer accepts requests for a hearing submitted by U.S. Mail or commercial carrier unless your hospital is unable to file electronically. Otherwise, the hospital must use the DAB's Electronic Filing System ("DAB E-File") located at <https://dab.efile.hhs.gov> within the time frame described above to electronically submit an appeal. Further instructions are located at [https://dab.efile.hhs.gov/appeals/to\\_crd\\_instructions](https://dab.efile.hhs.gov/appeals/to_crd_instructions). The DAB's Civil Remedies Division (CRD) requires all hearing requests to be signed and accompanied by this notice letter from CMS that addresses the action taken and the respective appeal rights. Submitted documents are accepted in Portable Document Format (PDF), image, audio, or video files. All electronic documents must be formatted so that they will print on standard 8.5 x 11 inch paper. The ALJ will consider documents uploaded to the DAB E-File on any day on or before 11:59 p.m. Eastern Time, to have been received on that day. Your hospital must accept electronic service of any appeal-related documents filed by CMS or that the CRD issues on behalf of the ALJ via DAB E-File.

Please contact the CRD at (202) 565-9462 for questions regarding the DAB E-File. If your hospital experiences technical issues with the DAB E-File, please contact the E-File System Support at [OSDABImmediateOffice@hhs.gov](mailto:OSDABImmediateOffice@hhs.gov) or at (202) 565-0146 before 4 p.m. Eastern Time. If your hospital is unable to file electronically, your hospital may request a waiver from e-filing by contacting the CRD at (202) 565-9462 and providing an explanation as to why your hospital cannot file electronically.

Should your hospital file an appeal, CMS requests that copies of the appeal documents be emailed to [HPTCompliance@cms.hhs.gov](mailto:HPTCompliance@cms.hhs.gov) and also mailed to the address listed below. Documents or first-class mail replies may be sent to:

<sup>3</sup> Pursuant to 45 C.F.R. § 180.110(a), if the 30th calendar day is a weekend or a Federal holiday, then the timeframe is extended until the end of the next business day.

Hospital Price Transparency  
ATTN: John Pilotte  
7500 Security Blvd, Mail Stop C5-15-12  
Baltimore, MD 21244-1850

Pursuant to 45 C.F.R. § 180.110, failure to request a hearing in the manner and timeframe described above permits CMS to impose the CMP indicated in this notice and CMS may impose any subsequent penalties pursuant to continuing violations without right of appeal. The hospital has no right to appeal a penalty to which it has not requested a hearing in accordance with 45 C.F.R. § 150.405, unless the hospital can show good cause, as determined at 45 C.F.R. § 150.405(b), for failing to timely exercise its right to a hearing. If the CMP is upheld, in part, by a final and binding decision as described in 45 C.F.R. Part 180, Subpart D, CMS will issue a modified notice of imposition of CMP to conform to the adjudicated finding as described in 45 C.F.R. § 180.90(b)(3).

#### **IV. Publication of CMP**

In accordance with 45 C.F.R. § 180.90(e), CMS will post this notice on a CMS website. If your hospital elects to request a hearing, CMS will indicate in its posting that the CMP is under review. If the CMP is upheld, in whole, by a final and binding decision, CMS will maintain this notice on a CMS website. If the CMP is upheld, in part, by a final and binding decision, CMS will issue a modified CMP notice to conform to the adjudicated finding and post the modified notice publicly on a CMS website. If the CMP is overturned, in full, by a final and binding decision, CMS will remove this notice from the CMS website.

If you have questions, please contact us at [HPTCompliance@cms.hhs.gov](mailto:HPTCompliance@cms.hhs.gov). We appreciate your prompt attention to this matter.

Sincerely,

John C. Pilotte -S  
Digitally signed by John C. Pilotte  
Date: 2023.09.05 11:14:58 -04'00'

John Pilotte  
Director  
Performance-based Payment Policy Group  
Center for Medicare