

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, Maryland 21244-1850



## **MEDICARE PARTS C AND D OVERSIGHT AND ENFORCEMENT GROUP**

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Date: April 8, 2022

To: All Medicare Advantage Organizations, Medicare Advantage – Prescription Drug Plans, Prescription Drug Plans, Section 1876 Cost Plans, Medicare-Medicaid Plans, and PACE Organizations

From: John A. Scott, Director  
Medicare Parts C and D Oversight and Enforcement Group

Subject: Standard Civil Money Penalty Amount Update

On June 21, 2019, the Centers for Medicare & Medicaid Services (CMS) released the final version of its revised Civil Money Penalty (CMP) calculation methodology that is used when the Medicare Parts C and D Oversight and Enforcement Group determines a CMP is the appropriate enforcement action to take against an organization to address identified deficiencies<sup>1</sup>. The methodology outlined the approach for increasing minimum penalty amounts, which was memorialized in regulation under 42 C.F.R. §§ 422.760(b)(3) and 423.760(b)(3)<sup>2</sup>. CMS stated that the minimum penalty and aggravating factor amounts would be updated and announced no more often than every three years, beginning in 2022. Therefore, CMS is announcing the updated CMP amounts via this HPMS Memo.

The following tables show the current and updated CMP amounts.

Table 1: Per Enrollee CMP Standard Penalty Adjustment for 2022

<b>Adjustment Year</b>	<b>OMB Multiplier</b>	<b>Starting Standard Penalty (Accrual)</b>	<b>Standard Penalty After Adjustment (Accrual)</b>	<b>Applied Standard Penalty Each Year</b>
2020	1.01764	\$212	\$216	\$212
2021	1.01182	\$216	\$218	\$212
<b>2022</b>	1.06222	\$218	\$232	<b>\$232</b>

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<sup>1</sup> This document is accessible in the “Downloads” section of the following CMS webpage:  
<https://www.cms.gov/Medicare/Compliance-and-Audits/Part-C-and-Part-D-Compliance-and-Audits/PartCandPartDENforcementActions-.html>

<sup>2</sup> [86 FR 29528](#), June 2, 2021.

Table 2: Per Determination CMP Standard Penalty Adjustment for 2022

<b>Adjustment Year</b>	<b>OMB Multiplier</b>	<b>Starting Standard Penalty (Accrual)</b>	<b>Standard Penalty After Adjustment (Accrual)</b>	<b>Applied Standard Penalty Each Year</b>
2020	1.01764	\$21,265	\$21,640	\$21,265
2021	1.01182	\$21,640	\$21,896	\$21,265
<b>2022</b>	1.06222	\$21,896	\$23,258	<b>\$23,258</b>

Table 3: Per Enrollee CMP Aggravating Factors and Untimely or Inaccurate Material Penalty Adjustments

<b>Adjustment Year</b>	<b>Applied Standard Penalty</b>	<b>Aggravating Factor (AF)</b>	<b>Untimely or Inaccurate Materials Penalty</b>	<b>Untimely or Inaccurate Materials AF</b>
2020/2021	\$212	\$106	\$27	\$16
<b>2022</b>	\$232	<b>\$116</b>	<b>\$30</b>	<b>\$18</b>

Table 4: Per Determination CMP Aggravating Factor Adjustment

<b>Adjustment Year</b>	<b>Applied Standard Penalty</b>	<b>Aggravating Factor</b>
2020/2021	\$21,265	\$5,316
<b>2022</b>	<b>\$23,258</b>	<b>\$5,814</b>

This document is also accessible in the “Downloads” section of the following CMS webpage: <https://www.cms.gov/Medicare/Compliance-and-Audits/Part-C-and-Part-D-Compliance-and-Audits/PartCandPartDEnforcementActions-.html>.

If you have questions, please send them to: [part\\_c\\_part\\_d\\_audit@cms.hhs.gov](mailto:part_c_part_d_audit@cms.hhs.gov).