

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

Citation		Description ²	Date of Last Penalty Figure or Adjustment ³	2018 Maximum Adjusted Penalty (\$)	2019 Maximum Adjusted Penalty (\$) ⁴
U.S.C.	CFR ¹				
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.	2018	2,140	2,194
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.	2018	10,697	10,967
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.	2018	4,280	4,388

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

1396r(h)(3)(C)(ii)(I)	42 CFR 483.151(c)(2)	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].	2018	10,697	10,967
1320a-7j(h)(3)(A)		Penalty for an administrator of a facility that fails to comply with notice requirements for the closure of a facility.	2018	112,780	115,624
	42 CFR 488.446(a)(1),(2),&(3)	Minimum penalty for the first offense of an administrator who fails to provide notice of facility closure.	2018	564.28673	578

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

		Minimum penalty for the second offense of an administrator who fails to provide notice of facility closure.	2018	1,692	1,735
		Minimum penalty for the third and subsequent offenses of an administrator who fails to provide notice of facility closure.	2018	3,383	3,468
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.	2018	225,560	231,249

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

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.	2018	338,339	346,872
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LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

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.	2018	225,560	231,249
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	2018	107	110
		Maximum	2018	6,417	6,579
	42 CFR 488.408(d)(1)(iv)	Penalty per instance of Category 2 noncompliance by a Skilled Nursing Facility.			
		Minimum	2018	2,140	2,194
		Maximum	2018	21,393	21,933

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

	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	2018	6,525	6,690
		Maximum	2018	21,393	21,933
	42 CFR 488.408(e)(1)(iv)	Penalty per instance of Category 3 noncompliance by a Skilled Nursing Facility.			
		Minimum	2018	2140	2,194
		Maximum	2018	21,393	21,933
	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	2018	6,525	6,690
		Maximum Per Day	2018	21,393	21,933
Minimum Per Instance		2018	2,140	2,194	
		Maximum Per Instance	2018	21,393	21,933

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

	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	2018	6,525	6,690
		Maximum	2018	21,393	21,933
	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	2018	107	110
		Maximum	2018	6,417	6,579
	42 CFR 488.438(a)(2)	Penalty per instance of a Skilled Nursing Facility that fails to meet certification requirements.			
		Minimum	2018	2,140	2,194
		Maximum	2018	21,393	21,933
1395cc(g)	42 CFR 1003.210(a)(5)	Penalty for improper billing by Hospitals, Critical Access Hospitals, or Skilled Nursing Facilities.	2018	5,186	5,317

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

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	2018	6,259	6,417
		Maximum	2018	20,521	21,039
	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	2018	103	106
		Maximum	2018	6,156	6,311
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.	2018	15,582	15,975

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

		(Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a))			
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Citation		Description ²	Date of Last Penalty Figure or Adjustment ³	2018 Maximum Adjusted Penalty (\$)	2019 Maximum Adjusted Penalty (\$) ⁴
U.S.C.	CFR ¹				
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.	2018	4280	4388
1395bbb(f)(2)(A)(i)	42 CFR 488.845(b)(2)(iii)	Penalty for each day a home health agency is not in compliance with statutory requirements.	2018	20,521	21,039
	42 CFR 488.845(b)(3)	Penalty per day for home health agency's noncompliance (Upper Range).			

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

		Minimum	2018	17,443	17,883
		Maximum	2018	20,521	21,039
	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.	2018	20,521	21,039
	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.	2018	18,468	18,934
	42 CFR 488.845(b)(3)(iii)	Penalty for an isolated incident of noncompliance in violation of established HHA policy.	2018	17,443	17,883

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

	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	2018	3,079	3,157
		Maximum	2018	17,443	17,883

	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	2018	1,026	1052

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

		Maximum	2018	8,208	8415
	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 and where the noncompliance was corrected during the onsite survey.			
		Minimum	2018	2,052	2104
		Maximum	2018	20,521	21,039

		Penalty for each day of noncompliance (Maximum).	2018	20,521	21,039
	42 CFR 488.845(d)(1)(ii)	Penalty for each day of noncompliance (Maximum).	2018	20,521	21,039

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

1395b-7(b)(2)(B)	42 CFR 402.105(g)	Penalty for any person who knowingly and willfully fails to furnish a beneficiary with an itemized statement of items or services within 30 days of the beneficiary's request.	2018	152	156
1395nn(g)(5)	42 CFR 411.361	Penalty for any person that fails to report information required by HHS under Section 1877(f) concerning ownership, investment, and compensation arrangements.	2018	19,639	20,134
1395dd(d)(1)	42 CFR 1003.510	Penalty for a hospital or responsible physician dumping patients needing emergency medical care, if the hospital has 100 beds or more.	2018	106,965	109,663

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2019

		Penalty for a hospital or responsible physician dumping patients needing emergency care, if the hospital has less than 100 beds	2018	53,484	54,833
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¹Some HHS components have not promulgated regulations regarding their civil monetary penalty-specific statutory authorities.

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

³Statutory or Inflation Act Adjustment.

⁴The cost of living multiplier for 2019, based on the CPI-U for the month of October 2018, not seasonally adjusted, is 1.02522, as indicated in Office of Management and Budget (OMB) Memorandum M-19-04, "Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Adjustment Act Improvements Act of 2015" (December 14, 2018).