

APPENDIX A
CALCULATION OF CMP ADJUSTMENTS

Citation		Description²	Date of Last Penalty Figure or Adjustment³	2016 Maximum Adjusted Penalty (\$)⁴	2017 Maximum Adjusted Penalty (\$)
U.S.C.	CFR¹				
1395i-3(b)(3)(B)(ii)(1)	42 CFR 483.20(j)(1)(i)	Penalty for certification of a false statement in assessment of functional capacity of a Skilled Nursing Facility resident assessment.	2016	2,063	2,097
1395i-3(b)(3)(B)(ii)(2)	42 CFR 483.20(j)(1)(ii)	Penalty for causing another to certify or make a false statement in assessment of functional capacity of a Skilled Nursing Facility resident assessment.	2016	10,314	10,483
1395i-3(g)(2)(A)	42 CFR 488.307(c)	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.	2016	4,126	4,194

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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	2016	10,314	10,483
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U.S.C.	CFR ¹				
		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]			
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.	2016	108,745	110,524
	42 CFR 488.446	Minimum penalty for the first offense of an administrator who fails to provide notice of facility closure.	2016	544	553

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		Minimum penalty for the second offense of an administrator who fails to provide notice of facility closure.	2016	1,631	1,658
		Minimum penalty for the third and subsequent	2016	3,262	3,315

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U.S.C.	CFR ¹				
		offenses of an administrator who fails to provide notice of facility closure.			
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.	2016	217,490	221,048

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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	2016	326,235	331,572
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U.S.C.	CFR ¹				
		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.			
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.	2016	217,490	221,048

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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	2016	103	105
		Maximum	2016	6,188	6,289

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Citation		Description ²	Date of Last Penalty Figure or Adjustment ³	2016 Maximum Adjusted Penalty (\$) ⁴	2017 Maximum Adjusted Penalty (\$)
U.S.C.	CFR ¹				
	42 CFR 488.408(d)(1)(iv)	Penalty per instance of Category 2 noncompliance by a Skilled Nursing Facility.			
		Minimum	2016	2,063	2,097
		Maximum	2016	20,628	20,965
	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	2016	6,291	6,394
		Maximum	2016	20,628	20,965
	42 CFR 488.408(e)(1)(iv)	Penalty per instance of Category 3 noncompliance by a Skilled Nursing Facility.			
		Minimum	2016	2,063	2,097
		Maximum	2016	20,628	20,965

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	42 CFR 488.408(e)(2)(ii)	Penalty per instance for a nursing facility's failure to meet Category 3 certification, which results in immediate jeopardy.			
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Citation		Description ²	Date of Last Penalty Figure or Adjustment ³	2016 Maximum Adjusted Penalty (\$) ⁴	2017 Maximum Adjusted Penalty (\$)	
U.S.C.	CFR ¹					
		Minimum Per Day	2016	6,291	6,394	
		Maximum Per Day	2016	20,628	20,965	
		Minimum Per Instance	2016	2,063	2,097	
		Maximum Per Instance	2016	20,628	20,965	
	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	2016	6,291	6,394	
		Maximum	2016	20,628	20,965	
	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	2016	103	105	
		Maximum	2016	6,188	6,289	

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	42 CFR 488.438(a)(2)	Penalty per instance of a Skilled Nursing Facility that fails to meet certification requirements.			
		Minimum	2016	2,063	2,097
		Maximum	2016	20,628	20,965

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Citation		Description²	Date of Last Penalty Figure or Adjustment³	2016 Maximum Adjusted Penalty (\$)⁴	2017 Maximum Adjusted Penalty (\$)
U.S.C.	CFR¹				
1395cc(g)	42 CFR Part 1003	Penalty for improper billing by Hospitals, Critical Access Hospitals, or Skilled Nursing Facilities.	2016	5,000	5,082
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	2016	6,035	6,134
		Maximum	2016	19,787	20,111
	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	2016	99	101
		Maximum	2016	5,936	6,033

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13951(h)(5)(D)	42 CFR 402.105(d)(2)(i)	Penalty for knowingly, willfully, and repeatedly billing	2016	15,024	15,270
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Citation		Description ²	Date of Last Penalty Figure or Adjustment ³	2016 Maximum Adjusted Penalty (\$) ⁴	2017 Maximum Adjusted Penalty (\$)
U.S.C.	CFR ¹				
		for a clinical diagnostic laboratory test other than on an assignment-related basis.			
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.	2016	4,126	4,194
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.	2016	19,787	20,111
	42 CFR 488.845(b)(3)	Penalty per day for home health agency's noncompliance (Upper Range).			
		Minimum	2016	16,819	17,094
		Maximum	2016	19,787	20,111

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Citation		Description²	Date of Last Penalty Figure or Adjustment³	2016 Maximum Adjusted Penalty (\$)⁴	2017 Maximum Adjusted Penalty (\$)
U.S.C.	CFR¹				
	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.	2016	19,787	20,111
	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.	2016	17,808	18,099
	42 CFR 488.845(b)(3)(iii)	Penalty for an isolated incident of noncompliance in violation of established HHA policy.	2016	16,819	17,094

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	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	2016	2,968	3,017

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U.S.C.	CFR ¹				
		Maximum	2016	16,819	17,094
	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	2016	989	1,005
		Maximum	2016	7,915	8,044
	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.			

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		Minimum	2016	1,979	2,011
		Maximum	2016	19,787	20,111

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		Penalty for each day of noncompliance (Maximum).	2016	19,787	20,111
	42 CFR 488.845(d)(1)(ii)	Penalty for each day of noncompliance (Maximum).	2016	19,787	20,111
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.	2016	147	149
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.	2016	18,936	19,246

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U.S.C.	CFR ¹				
1395dd(d)(1)	42 CFR Part 1003	Penalty for a hospital or responsible physician dumping patients needing emergency medical care, if the hospital has 100 beds or more.	2016	103,139	104,826
		Penalty for a hospital or responsible physician dumping patients needing emergency care, if the hospital has less than 100 beds	2016	51,570	52,414

¹Some HHS components have not promulgated regulations regarding their civil monetary penalties-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

⁴Rounded to the nearest dollar