

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

Citation		Description ²	Date of Last Penalty Figure or Adjustment ³	2019 Maximum Adjusted Penalty (\$)	2020 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.	2019	2,194	2,233
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.	2019	10,967	11,160
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.	2019	4,388	4,465

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

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].	2019	10,967	11,160
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.	2019	115,624	117,664
	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.	2019	578	588

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

		Minimum penalty for the second offense of an administrator who fails to provide notice of facility closure.	2019	1,735	1,766
		Minimum penalty for the third and subsequent offenses of an administrator who fails to provide notice of facility closure.	2019	3,468	3,529
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.	2019	231,249	235,328

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

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.	2019	346,872	352,991
-------------------	--	--	------	---------	---------

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

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.	2019	231,249	235,328
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	2019	110	112
		Maximum	2019	6,579	6,695
	42 CFR 488.408(d)(1)(iv)	Penalty per instance of Category 2 noncompliance by a Skilled Nursing Facility.			
		Minimum	2019	2,194	2,233
		Maximum	2019	21,933	22,320

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

	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	2019	6,690	6,808
		Maximum	2019	21,933	22,320
	42 CFR 488.408(e)(1)(iv)	Penalty per instance of Category 3 noncompliance by a Skilled Nursing Facility.			
		Minimum	2019	2,194	2,233
		Maximum	2019	21,933	22,320
	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	2019	6,690	6,808
		Maximum Per Day	2019	21,933	22,320
	Minimum Per Instance	2019	2,194	2,233	
	Maximum Per Instance	2019	21,933	22,320	

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

	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	2019	6,690	6,808
		Maximum	2019	21,933	22,320
	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	2019	110	112
		Maximum	2019	6,579	6,695
	42 CFR 488.438(a)(2)	Penalty per instance of a Skilled Nursing Facility that fails to meet certification requirements.			
		Minimum	2019	2,194	2,233
		Maximum	2019	21,933	22,320
1395cc(g)	42 CFR 1003.210(a)(5)	Penalty for improper billing by Hospitals, Critical Access Hospitals, or Skilled Nursing Facilities.	2019	5,317	5,411

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

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	2019	6,417	6,530
		Maximum	2019	21,039	21,410
	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	2019	106	108
		Maximum	2019	6,311	6,422
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.	2019	15,975	16,257

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

		(Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a))			
--	--	---	--	--	--

Citation		Description ²	Date of Last Penalty Figure or Adjustment ³	2019 Maximum Adjusted Penalty (\$)	20120 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.	2019	4,388	4,465
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.	2019	21,039	21,410
	42 CFR 488.845(b)(3)	Penalty per day for home health agency's noncompliance (Upper Range).			

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

		Minimum	2019	17,883	18,198
		Maximum	2019	21,039	21,410
	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.	2019	21,039	21,410
	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.	2019	18,934	19,268
	42 CFR 488.845(b)(3)(iii)	Penalty for an isolated incident of noncompliance in violation of established HHA policy.	2019	17,883	18,198

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

	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	2019	3,157	3,213
		Maximum	2019	17,883	18,198

	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	2019	1,052	1,071

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

		Maximum	2019	8,415	8,563
	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	2019	2,104	2,141
		Maximum	2019	21,039	21,410

		Penalty for each day of noncompliance (Maximum).	2019	21,039	21,410
	42 CFR 488.845(d)(1)(ii)	Penalty for each day of noncompliance (Maximum).	2019	21,039	21,410

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

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.	2019	156	159
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.	2019	20,134	20,489
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.	2019	109,663	111,597

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2020

		Penalty for a hospital or responsible physician dumping patients needing emergency care, if the hospital has less than 100 beds	2019	54,833	55,800
--	--	---	------	--------	--------

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 2020, based on the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October 2019, not seasonally adjusted, is 1.01764, as indicated in OMB Memorandum M-20-05, "Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil Penalties Adjustment Act Improvements Act of 2015" (December 16, 2019).