

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2022

Long-Term Care					
U.S.C. Section(s)	CFR ¹	Description ²	Date of Last Penalty Figure or Adjustment ³	2021 Maximum Adjusted Penalty (\$)	2022 Maximum Adjusted Penalty (\$) ⁴
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.	2021	2,259	2,400
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.	2021	11,292	11,995
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.	2021	4,518	4,799
1396r(f)(2)(B)(iii)(I)(c)	42 CFR 483.151(b)(2)(iv) and (b)(3)(iii)	Grounds to prohibit approval of nurse aide training program – if assessed a penalty in 1819(h)(2)(B)(i) or 1919(h)(2)(A)(ii) of "not less than \$5,000" [Not CMP authority, but a specific CMP amount (CMP at this level) that is the triggering condition for disapproval]	2021	11,292	11,995
1320a-7j(h)(3)(A)	42 CFR 483.70(l)	Penalty for an administrator of a facility that fails to comply with notice requirements for the closure of a facility.	2021	119,055	126,463
1396r(h)(3)(C)(ii)(I)	42 CFR 483.151(c)(1)	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].	2021	11,292	11,995

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		Minimum penalty for the first offense of an administrator who fails to provide notice of facility closure.	2021	595	632
		Minimum penalty for the second offense of an administrator who fails to provide notice of facility closure.	2021	1,787	1,898
		Minimum penalty for the third and subsequent offenses of an administrator who fails to provide notice of facility closure.	2021	3,571	3,793
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.	2021	238,110	252,925
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.	2021	357,163	379,386
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.	2021	238,110	252,925
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	2021	113	120
		Maximum	2021	6,774	7,195

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1395i-3(h)(2)(B)(ii)(I)	42 CFR 488.408(d)(1)(iii)	Penalty per instance of Category 2 noncompliance by a Skilled Nursing Facility.			
		Minimum	2021	2,259	2,400
		Maximum	2021	22,584	23,989
	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	2021	6,888	7,317
		Maximum	2021	22,584	23,989
	42 CFR 488.408(e)(1)(iv)	Penalty per instance of Category 3 noncompliance by a Skilled Nursing Facility.			
		Minimum	2021	2,259	2,400
		Maximum	2021	22,584	23,989
	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	2021	6,888	7,317
		Maximum Per Day	2021	22,584	23,989
		Minimum Per Instance	2021	2,259	2,400
		Maximum Per Instance	2021	22,584	23,989
	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	2021	6,888	7,317
		Maximum	2021	22,584	23,989
	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	2021	113	120
		Maximum	2021	6,774	7,195
	42 CFR 488.438(a)(2)	Penalty per instance of a Skilled Nursing Facility that fails to meet certification requirements.			
		Minimum	2021	2,259	2,400

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		Maximum	2021	22,584	23,989
1395cc(g)	42 CFR 1003.210(a)(5)	Penalty for improper billing by Hospitals, Critical Access Hospitals, or Skilled Nursing Facilities.	2021	5,475	5,816
	42 CFR 488.447	Penalty imposed for failure to comply with infection control weekly reporting requirements at 42CFR 483.80(g)(1) and (2).			
		First Occurrence	2021	1,012	1,075
		Incremental increases for each subsequent occurrence.	2021	506	537

Clinical Laboratory Improvement Amendments

U.S.C. Section(s)	CFR ¹	Description ²	Date of Last Penalty Figure or Adjustment ³	2021 Maximum Adjusted Penalty (\$)	2022 Maximum Adjusted Penalty (\$) ⁴
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	2021	6,607	7,018
		Maximum	2021	21,663	23,011
	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	2021	109	116

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		Maximum	2021	6,498	6,902
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. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)	2021	16,449	17,472

Home Health Agencies					
U.S.C. Section(s)	CFR ¹	Description ²	Date of Last Penalty Figure or Adjustment ³	2021 Maximum Adjusted Penalty (\$)	2022 Maximum Adjusted Penalty (\$) ⁴
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.	2021	4,518	4,799
1395bbb(f)(2)(A)(i)	42 CFR 488.845(b)(2)(iii), (b)(3) – (6), and (d)(1)(ii)	Maximum daily penalty for each day a home health agency is not in compliance with statutory requirements.	2021	21,663	23,011
	42 CFR 488.845(b)(3)	Penalty per day for home health agency's noncompliance (Upper Range).			
		Minimum	2021	18,413	19,559
		Maximum	2021	21,663	23,011

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	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.	2021	21,663	23,011
	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.	2021	19,496	20,709
	42 CFR 488.845(b)(3)(iii)	Penalty for an isolated incident of noncompliance in violation of established HHA policy.	2021	18,413	19,559
	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	2021	3,251	3,453
		Maximum	2021	18,413	19,559
	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	2021	1,084	1,151
		Maximum	2021	2,166	2,301
	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			

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		and where the noncompliance was corrected during the onsite survey.			
		Minimum	2021	2,166	2,301
		Maximum	2021	21,663	23,011
	42 CFR 488.845(d)(1)(ii)	Penalty for each day of noncompliance (Maximum).	2021	21,663	23,011

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 2022, based on the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October 2021, not seasonally adjusted, is 1.06222, as indicated in OMB Memorandum M-22-07, “Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Adjustment Act Improvements Act of 2015”