

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2021

Long-Term Care					
U.S.C. Section(s)	CFR ¹	Description ²	Date of Last Penalty Figure or Adjustment ³	2020 Maximum Adjusted Penalty (\$)	2021 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.	2020	2,233	2,259
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.	2020	11,160	11,292
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.	2020	4,465	4,518
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].	2020	11,160	11,292
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.	2020	117,664	119,055
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].	2020	11,160	11,292

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2021

		Minimum penalty for the first offense of an administrator who fails to provide notice of facility closure.	2020	588	595
		Minimum penalty for the second offense of an administrator who fails to provide notice of facility closure.	2020	1,766	1,787
		Minimum penalty for the third and subsequent offenses of an administrator who fails to provide notice of facility closure.	2020	3,529	3,571
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.	2020	235,328	238,110
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.	2020	352,991	357,163
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	2020	235,328	238,110

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2021

		employee or nurse for lawful acts done by the employee or nurse.			
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.	2020		
		Minimum	2020	112	113
		Maximum	2020	6,695	6,774
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.	2020		
		Minimum	2020	2,233	2,259
		Maximum	2020	22,320	22,584
	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	2020	6,808	6,888
		Maximum	2020	22,320	22,584
	42 CFR 488.408(e)(1)(iv)	Penalty per instance of Category 3 noncompliance by a Skilled Nursing Facility.	2020		
		Minimum	2020	2,233	2,259
		Maximum	2020	22,320	22,584
	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:.	2020		
		Minimum Per Day	2020	6,808	6,888
		Maximum Per Day	2020	22,320	22,584
		Minimum Per Instance	2020	2,233	2,259
		Maximum Per Instance	2020	22,320	22,584
	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	2020	6,808	6,888

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2021

		Maximum	2020	22,320	22,584
	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.	2020		
		Minimum	2020	112	113
		Maximum	2020	6,695	6,774
	42 CFR 488.438(a)(2)	Penalty per instance of a Skilled Nursing Facility that fails to meet certification requirements.	2020		
		Minimum	2020	2,233	2,259
		Maximum	2020	22,320	22,584
1395cc(g)	42 CFR 1003.210(a)(5)	Penalty for improper billing by Hospitals, Critical Access Hospitals, or Skilled Nursing Facilities.	2020	5,411	5,475
	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	2020	1,000	1,012
		Incremental increases for each subsequent occurrence.	2020	500	506

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2021

Clinical Laboratory Improvement Amendments					
U.S.C. Section(s)	CFR ¹	Description ²	Date of Last Penalty Figure or Adjustment ³	2020 Maximum Adjusted Penalty (\$)	2021 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	2020	6,530	6,607
		Maximum	2020	21,410	21,663
	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	2020	108	109

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2021

		Maximum	2020	6,422	6,498
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)	2020	16,257	16,449

Home Health Agencies					
U.S.C. Section(s)	CFR ¹	Description ²	Date of Last Penalty Figure or Adjustment ³	2020 Maximum Adjusted Penalty (\$)	2021 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.	2020	4,465	4,518
1395bbb(f)(2)(A)(i)	42 CFR 488.845(b)(2)(iii), (b)(3) – (6), and (d)(1)(ii)	Penalty for each day a home health agency is not in compliance with statutory requirements.	2020	21,410	21,663
	42 CFR 488.845(b)(3)	Penalty per day for home health agency's noncompliance (Upper Range).	2020		

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2021

		Minimum	2020	18,198	18,413
		Maximum	2020	21,410	21,663
	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.	2020	21,410	21,663
	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.	2020	19,268	19,496
	42 CFR 488.845(b)(3)(iii)	Penalty for an isolated incident of noncompliance in violation of established HHA policy.	2020	18,198	18,413
	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	2020	3,213	3,251
		Maximum	2020	18,198	18,413
	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	2020	1,071	1,084
		Maximum	2020	2,141	2,166

LTC-HHA-CLIA CALCULATION OF CMP ADJUSTMENTS - 2021

	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	2020	2,141	2,166
		Maximum	2020	21,410	21,663
	42 CFR 488.845(d)(1)(ii)	Penalty for each day of noncompliance (Maximum).	2020	21,410	21,663

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 2021, based on the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October 2020, not seasonally adjusted, is 1.01182, as indicated in OMB Memorandum M-21-10, “Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Adjustment Act Improvements Act of 2015”