

September 2023

## Frequently Asked Questions (FAQ) Civil Money Penalty (CMP) Reinvestment State Plans

### 1. How should CMP Reinvestment State Plans be submitted for review? What is the deadline?

Annually, States submit a CMP Reinvestment State Plan for the effective use of CMP funds to be reviewed and approved by the Centers for Medicare & Medicaid Services (CMS). States will submit a CMP Reinvestment State Plan for the following calendar year to their respective CMS *Location* by October 31st of the current calendar year. Each *Location* submits the State Plans for review to the CMPRP Team at [CMP-info@cms.hhs.gov](mailto:CMP-info@cms.hhs.gov).

### 2. How long will the CMP Reinvestment State Plan review process take?

The length of time for the CMP Reinvestment State Plan review process varies based on the submission by the State to the CMS *Location* and whether corrective action(s) is needed. If a plan is incomplete or has deficiencies, the CMPRP Team will contact the States directly for additional information and revisions. In the case that a review is not moving forward due to delay or unresponsiveness of the State, the CMPRP Team will notify the *Location*. If the State is having difficulty completing the CMP Reinvestment State Plan, the State should timely contact the *CMS Location* and request an extension.

### 3. How can CMS *Locations* have insight into their States' CMP-funded projects and CMP Reinvestment State Plans?

*CMS Locations* will approve or deny CMP applications as well as CMP Reinvestment State Plans and notify the corresponding State point of contact (POC). An annual summary of CMP-funded projects is requested from each State as part of the Reinvestment State Plan process; CMS *Locations* are included in each correspondence with the State. Additionally, logs of CMP-funded projects or CMP Reinvestment State Plans can be shared with the applicable *CMS Location* at any time by emailing [CMP-info@cms.hhs.gov](mailto:CMP-info@cms.hhs.gov) with your request.

### 4. Who makes the final decision to approve or deny a CMP Reinvestment State Plan?

The *CMS Location* makes the final decision and notifies the State. Once the CMPRP Team completes the CMP Reinvestment Plan review process, the applicable *CMS Location* is notified of the review findings, and the *Location* makes a final decision.

### 5. What are the evaluation criteria for CMP Reinvestment State Plans?

CMS will evaluate information in the CMP Reinvestment State Plans, such as:

- Completeness of the State Plan (e.g., plan timeline and POC);
- Current CMP balance, awarded funds plan, administrative use costs and emergency reserve fund plan;
- Description of CMP application solicitation and review methods; and
- Monitoring and tracking methods for CMP reinvestment funds and results.

### 6. Can States ask CMS *Locations* to use CMP funds for emergency uses?

States can use CMP funds for assistance to support and protect residents of a facility that closes (voluntarily or involuntarily) or is decertified (including offsetting costs of relocating residents to home and community-based settings or another facility). *CMP funds may not be used to pay the salary of a temporary manager who is actively managing a nursing home, as this is the responsibility of the nursing home in accordance with 42 CFR §488.415(c). However, the State may use Emergency Reserve CMP funds for the appointment of a temporary management firm.* Please refer to [Survey & Certification Memo 12-13-NH](#) pdf for further details surrounding the use of emergency reserve CMP funds. *CMP* funding cannot be used to meet regulatory requirements

(e.g., see [§483.73 Emergency Preparedness](#)). States are required to reach out to their *CMS Location* to discuss the use of funds as soon as the potential need arises. The State must seek *CMS Location* approval within *ten (10)* working days of the use of CMP emergency reserve funds for emergency use purposes such as the case of sudden nursing home relocations, natural disasters, or similar emergencies.

### **7. Can States use CMP funds for administrative uses?**

The State can request CMP funds for certain costs of administering the CMP program as part of the annual CMP Reinvestment State Plan process. For example, States may request funds for personnel required to solicit and review CMP applications. The request should include adequate detail and justification for the requested amount, including position descriptions and the breakdown of salary and benefits for each position (e.g., salary and benefits for one full-time staff to oversee the evaluation of approximately 60 submitted CMP applications as well as the administration of approximately 20 CMP awards). A State can also submit a proposed amendment to the CMP Reinvestment State Plan to the *CMS Location* to request new or additional administrative funds after CMS has approved the plan.

### **8. If a CMP Reinvestment State Plan is incorrect or incomplete upon initial submission, how many times is a State allowed to resubmit it?**

The CMPRP Team will issue up to two opportunities to correct issues identified within the CMP Reinvestment State Plan. Subsequently, States will need to work with their *CMS Location* to resolve any outstanding issues with their plan until it is corrected and approved.

### **9. If a CMP Reinvestment State Plan is denied, is the State allowed to resubmit?**

If a CMP Reinvestment State Plan is denied, it is expected that the State will modify the initial submission, address any deficiencies in the plan, and work with the *CMS Location* to reach an approved status.