

LTC-HHA-Hospice-CLIA CALCULATION OF CMP ADJUSTMENTS - 2024

Long-Term Care					
U.S.C. Section(s)	CFR ¹	Description ²	Date of Last Penalty Figure or Adjustment ³	2023 Maximum Adjusted Penalty (\$)	2024 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.	2023	2,586	2,670
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.	2023	12,924	13,343
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.	2023	5,171	5,339
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]	2023	12,924	13,343
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.	2023	136,258	140,674
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].	2023	12,924	13,343

LTC-HHA-Hospice-CLIA CALCULATION OF CMP ADJUSTMENTS - 2024

		Minimum penalty for the first offense of an administrator who fails to provide notice of facility closure.	2023	681	703
		Minimum penalty for the second offense of an administrator who fails to provide notice of facility closure.	2023	2,045	2,111
		Minimum penalty for the third and subsequent offenses of an administrator who fails to provide notice of facility closure.	2023	4,087	4,219
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.	2023	272,514	281,346
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.	2023	408,769	422,017
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.	2023	272,514	281,346
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	2023	129	133
		Maximum	2023	7,752	8,003

LTC-HHA-Hospice-CLIA CALCULATION OF CMP ADJUSTMENTS - 2024

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	2023	2,586	2,670
		Maximum	2023	25,847	26,685
	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	2023	7,884	8,140
		Maximum	2023	25,847	26,685
	42 CFR 488.408(e)(1)(iv)	Penalty per instance of Category 3 noncompliance by a Skilled Nursing Facility.			
		Minimum	2023	2,586	2,670
		Maximum	2023	25,847	26,685
	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	2023	7,884	8,140
		Maximum Per Day	2023	25,847	26,685
		Minimum Per Instance	2023	2,586	2,670
		Maximum Per Instance	2023	25,847	26,685
	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	2023	7,884	8,140
		Maximum	2023	25,847	26,685
	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	2023	129	133
		Maximum	2023	7,752	8,003
	42 CFR 488.438(a)(2)	Penalty per instance of a Skilled Nursing Facility that fails to meet certification requirements.			
		Minimum	2023	2,586	2,670

LTC-HHA-Hospice-CLIA CALCULATION OF CMP ADJUSTMENTS - 2024

		Maximum	2023	23,989	25,847
1395cc(g)	42 CFR 1003.210(a)(5)	Penalty for improper billing by Hospitals, Critical Access Hospitals, or Skilled Nursing Facilities.	2023	6,266	6,469
	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	2023	1,158	1,196
		Incremental increases for each subsequent occurrence.	2023	579	598

Clinical Laboratory Improvement Amendments					
U.S.C. Section(s)	CFR ¹	Description ²	Date of Last Penalty Figure or Adjustment ³	2023 Maximum Adjusted Penalty (\$)	2024 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	2023	7,562	7,807
	Maximum	2023	24,793	25,597	
	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		2023	125	129	
		Maximum	2023	7,437	7,678
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))	2023	18,825	19,435

LTC-HHA-Hospice-CLIA CALCULATION OF CMP ADJUSTMENTS - 2024

Home Health Agencies					
U.S.C. Section(s)	CFR ¹	Description ²	Date of Last Penalty Figure or Adjustment ³	2023 Maximum Adjusted Penalty (\$)	2024 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.	2023	5,171	5,339
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.	2023	24,793	25,597
	42 CFR 488.845(b)(3)	Penalty per day for home health agency's noncompliance (Upper Range).			
		Minimum	2023	21,074	21,757
		Maximum	2023	24,793	25,597
	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.	2023	24,793	25,597
	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.	2023	22,313	23,036
	42 CFR 488.845(b)(3)(iii)	Penalty for an isolated incident of noncompliance in violation of established HHA policy.	2023	21,074	21,757
	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	2023	3,720	3,841	

LTC-HHA-Hospice-CLIA CALCULATION OF CMP ADJUSTMENTS - 2024

		Maximum	2023	21,074	21,757
	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	2023	1,240	1,280
		Maximum	2023	2,479	2,559
	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	2023	2,479	2,559
		Maximum	2023	24,793	25,597
	42 CFR 488.845(d)(1)(ii)	Penalty for each day of noncompliance (Maximum).	2023	24,793	25,597

Hospice Programs					
U.S.C. Section(s)	CFR1	Description2	Date of Last Penalty Figure or Adjustment3	2023 Maximum Adjusted Penalty (\$)	2024 Maximum Adjusted Penalty (\$) ⁴
1395i–6(c)(5)(B)(i)	42 CFR 488.1245(b)(2)(iii), (b)(3) – (6), and (d)(1)(ii)	Maximum daily penalty for each day a hospice program is not in substantial compliance with one or more conditions of participation	2023	10,775	11,124
	42 CFR 488.1245(b)(3)	Penalty per day for hospice program’s noncompliance (Upper Range).			
		Minimum	2023	9,158	9,455
		Maximum	2023	10,775	11,124

LTC-HHA-Hospice-CLIA CALCULATION OF CMP ADJUSTMENTS - 2024

	42 CFR 488.1245(b)(3)(i)	Penalty for a hospice program's deficiency or deficiencies that cause immediate jeopardy and result in actual harm.	2023	10,775	11,124
	42 CFR 488.1245(b)(3)(ii)	Penalty for a hospice program's deficiency or deficiencies that cause immediate jeopardy and result in potential for harm.	2023	9,697	10,011
	42 CFR 488.1245(b)(3)(iii)	Penalty for an isolated incident of noncompliance in violation of established hospice policy.	2023	9,158	9,455
	42 CFR 488.1245(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	2023	1,616	1,668
		Maximum	2023	9,158	9,455
	42 CFR 488.1245(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	2023	539	556
		Maximum	2023	4,310	4,450
	42 CFR 488.1245(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	2023	1,077	1,112

LTC-HHA-Hospice-CLIA CALCULATION OF CMP ADJUSTMENTS - 2024

		Maximum	2023	10,775	11,124
	42 CFR 488.1245(d)(1)(ii)	Penalty for each day of noncompliance (Maximum).	2023	10,775	11,124

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 2024, based on the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October 2023, not seasonally adjusted, is 1.03241, as indicated in OMB Memorandum M-24-07 “Implementation of Penalty Inflation Adjustments for 2024, Pursuant to the Federal Civil Penalties Adjustment Act Improvements Act of 2015”