

OIG Exclusion Authority Expansion and Proposed CMP Update

HCCA Regional Conference
Nashville

11/16/2016

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Congressional Bill to Expand OIG Authority to Exclude

Fill in gap identified

- Individual was an Officer or managing employee with organization that has been penalized for fraud
- This would expand current law that limits exclusions for individuals who are currently employed at that company

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CMP Fines will Increase

- Adjusted for Inflation
- Federal Civil Penalties Inflation Adjustment Act of 2015
- Effective Date no later than Aug 1, 2016.

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Proposed 21st Century Cures bill

- Expand CMP for false claims related to contracts and grants funded by Medicare and Medicaid or other HHS programs
- Authorize OIG to impose CMP on individuals or entities knowingly submit false claims, up to \$10,000 for each claim.
- Expansion would include false statements on applications or proposals for HHS funded grants/contracts, up to \$50,000 for each false statement.
- No more than \$15,000 for each day individual/entity fails to allow HHS OIG access to audit or investigate false claims

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CMP Fines for Skilled Nursing Facilities

- More than double
- Effective Sept 6, 2016
- Raise max penalty for out of compliance SNF from \$10,000 per day to \$20,628 per day
- (not been adjusted since 1987)
- Also, if individual notifies SNF of impending survey prior to it occurring
- Improper billing
- Per instance for failing to meet certification requirements.

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Questions?

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