



Center for Clinical Standards and Quality/Survey & Certification Group

Ref: S&C: 17-08-NH

DATE: November 18, 2016

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Civil Money Penalty (CMP) Reinvestment Resource Web Page

Memorandum Summary

A web page to house general information on the reinvestment of State CMP funds is now available at <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/LTC-CMP-Reinvestment.html>. This web page serves as a location to house pertinent information for entities interested in applying for State CMP funds, States and Regional Offices (ROs), and other stakeholders.

Background

Sections 1819(h)(2)(B)(ii)(IV)(ff) and 1919(h)(3)(C)(ii)(IV)(ff) of the Social Security Act (the Act) incorporate specific provisions of the Patient Protection and Affordable Care Act, pertaining to the collection and uses of CMPs imposed by CMS when skilled nursing facilities (SNFs), nursing facilities (NFs), and dually-certified SNF/NF do not meet requirements for Long Term Care Facilities. The Act (and 42 CFR §488.433) provides that collected CMP funds may be used to support activities that benefit residents of these facilities including the following:

- 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);
- Projects that support resident and family councils and other consumer involvement in assuring quality care in facilities; and
- Facility improvement initiatives approved by the Secretary (including joint training of facility staff and surveyors, technical assistance for facilities implementing quality assurance programs, the development and maintenance of temporary management, and other activities approved by the Secretary).

The CMS has created a web page containing basic information about CMP fund reinvestment to serve as a resource for States, ROs, potential applicants for CMP funds, and other stakeholders at <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/LTC-CMP-Reinvestment.html>.

This web page contains a frequently asked questions document, an example application for the use of CMP funds, examples of CMP funded projects, and CMP contacts by State. In order for State CMP contacts to remain accurate, States shall inform their CMS ROs when there is a need to update their information. We will continue to add important resources that are beneficial to multiple stakeholders.

Contact: For questions on this memorandum related to the CMP Reinvestment Resource web page, please contact CMSQualityAssurance@cms.hhs.gov.

Effective Date: Immediately. This information should be communicated with all survey and certification staff, their managers and the State/Regional Office training coordinators within 30 days of this memorandum.

/s/

David R. Wright

cc: Survey and Certification Regional Office Management