



Center for Clinical Standards and Quality

Ref: QSO-21-20-NH

DATE: July 28, 2021

TO: State Survey Agency Directors

FROM: Directors, Quality, Safety & Oversight Group (QSOG) and Survey & Operations Group (SOG)

SUBJECT: Removal of the July 7, 2017 Memo (S&C 17-37-NH) from its guidance repository

Memorandum Summary

CMS is hereby removing the July 7, 2017 Memo (S&C 17-37-NH) from its guidance repository.

Discussion

CMS is hereby removing the July 7, 2017 Memo (S&C 17-37-NH) from its guidance repository. In that memo, CMS instructed CMS Locations (formerly “Regional Offices”) to impose civil monetary penalties for prior noncompliance solely on a per-instance basis. Upon further consideration, CMS has determined that the agency should retain the discretion at this time to impose a per-day penalty where appropriate to address specific circumstances of prior noncompliance. We will work within CMS operations to apply such discretion, and any final notice of noncompliance will set forth the penalty, and the reason(s) for imposing per-instance or per-day penalties.

Contact: For questions, please contact: DNH_TriageTeam@cms.hhs.gov.

Effective Date: This action was effective July 16, 2021.

/s/

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| Karen L. Tritz | David R. Wright |
| Director, Survey & Operations Group | Director, Quality, Safety & Oversight Group |