

**§ 101.93**

**§ 101.93 Communications.**

All communications concerning this part, including requests for copies of the part and explanatory information, requests for guidance or clarification, and requests for adjustment or exception shall be addressed to the Secretary, U.S. Department of Health and Human Services, and Washington, DC.

**PART 102—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION**

Sec.

102.1 Applicability.

102.2 Applicability date.

102.3 Penalty adjustment and table.

AUTHORITY: Public Law 101-410, Sec. 701 of Public Law 114-74, 31 U.S.C. 3801-3812.

SOURCE: 81 FR 61565, Sept. 6, 2016, unless otherwise noted.

**§ 102.1 Applicability.**

This part applies to each statutory provision under the laws administered by the Department of Health and Human Services concerning the civil monetary penalties which may be assessed or enforced by an agency pursuant to Federal law or is assessed or en-

**45 CFR Subtitle A (10-1-20 Edition)**

forced pursuant to civil judicial actions in the Federal courts or administrative proceedings. The regulations cited in this part supersede existing HHS regulations setting forth civil monetary penalty amounts. If applicable, the HHS agencies responsible for specific civil monetary penalties will amend their regulations to reflect the adjusted amounts and/or a cross-reference to 45 CFR part 102 in separate actions as soon as practicable.

**§ 102.2 Applicability date.**

The increased penalty amounts set forth in the right-most column of the table in Section 102.3, “Maximum Adjusted Penalty (\$)”, apply to all civil monetary penalties which are assessed after August 1, 2016, including those penalties whose associated violations occurred after November 2, 2015.

**§ 102.3 Penalty adjustment and table.**

The adjusted statutory penalty provisions and their applicable amounts are set out in the following table. The right-most column in the table, “Maximum Adjusted Penalty (\$)”, provides the maximum adjusted civil penalty amounts. The civil monetary penalty amounts are adjusted annually.

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
21 U.S.C.:						
333(b)(2)(A)	.....	FDA	Penalty for violations related to drug samples resulting in a conviction of any representative of manufacturer or distributor in any 10-year period.	2019	105,194	107,050
333(b)(2)(B)	.....	FDA	Penalty for violation related to drug samples resulting in a conviction of any representative of manufacturer or distributor after the second conviction in any 10-yr period.	2019	2,146,800	2,184,670
333(b)(3)	.....	FDA	Penalty for failure to make a report required by 21 U.S.C. 353(d)(3)(E) relating to drug samples.	2019	210,386	214,097
333(f)(1)(A)	.....	FDA	Penalty for any person who violates a requirement related to devices for each such violation.	2019	28,413	28,914
			Penalty for aggregate of all violations related to devices in a single proceeding.	2019	1,894,261	1,927,676
333(f)(2)(A)	.....	FDA	Penalty for any individual who introduces or delivers for introduction into interstate commerce food that is adulterated per 21 U.S.C. 342(a)(2)(B) or any individual who does not comply with a recall order under 21 U.S.C. 350l.	2019	79,875	81,284

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
333(f)(3)(A) .....			Penalty in the case of any other person other than an individual for such introduction or delivery of adulterated food. Penalty for aggregate of all such violations related to adulterated food adjudicated in a single proceeding.	2019	399,374	406,419
333(f)(3)(A) .....		FDA	Penalty for all violations adjudicated in a single proceeding for any person who violates 21 U.S.C. 331(j) by failing to submit the certification required by 42 U.S.C. 282(j)(5)(B) or knowingly submitting a false certification; by failing to submit clinical trial information under 42 U.S.C. 282(j); or by submitting clinical trial information under 42 U.S.C. 282(j) that is false or misleading in any particular under 42 U.S.C. 282(j)(5)(D).	2019	798,747	812,837
333(f)(3)(B) .....		FDA	Penalty for each day any above violation is not corrected after a 30-day period following notification until the violation is corrected.	2019	12,103	12,316

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333(f)(4)(A)(i) .....	FDA .....	Penalty for any responsible person that violates a requirement of 21 U.S.C. 355(o) (post-marketing studies, clinical trials, labeling), 21 U.S.C. 355(p) (risk evaluation and mitigation (REMS)), or 21 U.S.C. 355-1 (REMS). Penalty for aggregate of all such above violations in a single proceeding.	2019	302,585	307,923
333(f)(4)(A)(ii) .....	FDA .....	Penalty for REMS violation that continues after written notice to the responsible person for the first 30-day period (or any portion thereof) the responsible person continues to be in violation. Penalty for REMS violation that continues after written notice to responsible person doubles for every 30-day period thereafter the violation continues, but may not exceed penalty amount for any 30-day period. Penalty for aggregate of all such above violations adjudicated in a single proceeding.	2019	1,210,340	1,231,690
333(f)(9)(A) .....	FDA .....	Penalty for any person who violates a requirement which relates to tobacco products for each such violation. Penalty for aggregate of all such violations of tobacco product requirement adjudicated in a single proceeding.	2019	17,547	17,857
			2019	12,103,404	12,316,908
			2019	1,169,798	1,190,433

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
333(f)(9)(B)(i)(I) .....	.....	FDA	Penalty per violation related to violations of tobacco requirements. Penalty for aggregate of all such violations of tobacco product requirements adjudicated in a single proceeding.	2019	292,450	297,609
333(f)(9)(B)(i)(II) .....	.....	FDA	Penalty in the case of a violation of tobacco product requirements that continues after written notice to such person, for the first 30-day period (or any portion thereof) the person continues to be in violation. Penalty for violation of tobacco product requirements that continues after written notice to such person shall double for every 30-day period thereafter the violation continues, but may not exceed penalty amount for any 30-day period. Penalty for aggregate of all such violations related to tobacco product requirements adjudicated in a single proceeding.	2019	1,169,798	1,190,433
				2019	1,169,798	1,190,433
				2019	11,697,983	11,904,335

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333(f)(9)(B)(ii)(i) .....	FDA	.....	.....	<p>Penalty for any person who either does not conduct post-market surveillance and studies to determine impact of a modified risk tobacco product for which the HHS Secretary has provided them an order to sell, or who does not submit a protocol to the HHS Secretary after being notified of a requirement to conduct post-market surveillance of such tobacco products.</p>	2019	292,450	297,609
				<p>Penalty for aggregate of for all such above violations adjudicated in a single proceeding.</p>	2019	1,169,798	1,190,433
333(f)(9)(B)(ii)(ii) .....	FDA	.....	.....	<p>Penalty for violation of modified risk tobacco product post-market surveillance that continues after written notice to such person for the first 30-day period (or any portion thereof) that the person continues to be in violation.</p>	2019	292,450	297,609
				<p>Penalty for post-notice violation of modified risk tobacco product post-market surveillance shall double for every 30-day period thereafter that the tobacco product requirement violation continues for any 30-day period, but may not exceed penalty amount for any 30-day period.</p>	2019	1,169,798	1,190,433
				<p>Penalty for aggregate above tobacco product requirement violations adjudicated in a single proceeding.</p>	2019	11,697,983	11,904,335

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
333(g)(1)	.....	FDA	Penalty for any person who disseminates or causes another party to disseminate a direct-to-consumer advertisement that is false or misleading for the first such violation in any 3-year period.  Penalty for each subsequent above violation in any 3-year period.	2019	302,585	307,923
333 note	.....	FDA	Penalty to be applied for violations of 21 U.S.C. 387f(d)(5) or of violations of restrictions on the sale or distribution of tobacco products promulgated under 21 U.S.C. 387f(d) (e.g., violations of regulations in 21 CFR part 1140) with respect to a retailer with an approved training program in the case of a second regulation violation within a 12-month period.  Penalty in the case of a third violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 24-month period.	2019	292	297
				2019	584	594

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Penalty in the case of a fourth violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 24-month period.	2019	2,340	2,381
Penalty in the case of a fifth violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 36-month period.	2019	5,849	5,952
Penalty in the case of a sixth or subsequent violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 48-month period as determined on a case-by-case basis.	2019	11,698	11,904
Penalty to be applied for violations of 21 U.S.C. 387f(d)(5) or of violations of restrictions on the sale or distribution of tobacco products promulgated under 21 U.S.C. 387f(d) (e.g., violations of regulations in 21 CFR part 1140) with respect to a retailer that does not have an approved training program in the case of the first regulation violation.	2019	292	297
Penalty in the case of a second violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 12-month period.	2019	584	594
Penalty in the case of a third violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 24-month period.	2019	1,170	1,191



TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
			Penalty in the case of a fourth violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 24-month period.	2019	2,340	2,381
			Penalty in the case of a fifth violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 36-month period.	2019	5,849	5,952
			Penalty in the case of a sixth or subsequent violation of 21 U.S.C. 387f(d)(5) or of the tobacco product regulations within a 48-month period as determined on a case-by-case basis.	2019	11,698	11,904
335b(a)	.....	FDA	Penalty for each violation for any individual who made a false statement or misrepresentation of a material fact, bribed, destroyed, altered, removed, or secreted, or procured the destruction, alteration, removal, or secretion of, any material document, failed to disclose a material fact, obstructed an investigation, employed a consultant who was debarred, debarred individual provided consultant services.	2019	445,846	453,711



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	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
262a(i)(1) .....	42 CFR 1003.910 .....	OIG	Penalty for each individual who violates safety and security procedures related to handling dangerous biological agents and toxins. Penalty for any other person who violates safety and security procedures related to handling dangerous biological agents and toxins.	2019	348,708	354,859
300jj–51 .....	.....	OIG	Penalty per violation for committing information blocking.	2019	1,063,260	1,082,016
1320a–7a(a) .....	42 CFR 1003.210(a)(1) .....	OIG	Penalty for knowingly presenting or causing to be presented to an officer, employee, or agent of the United States a false claim. Penalty for knowingly presenting or causing to be presented a request for payment which violates the terms of an assignment, agreement, or PPS agreement.	2019	20,504	20,866
	42 CFR 1003.210(a)(2) .....		Penalty for knowingly giving or causing to be presented to a participating provider or supplier false or misleading information that could reasonably be expected to influence a discharge decision.	2019	30,757	31,300

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42 CFR 1003.210(a)(3) .....	2019	20,504	20,866
42 CFR 1003.1010 .....	2019	20,504	20,866
42 CFR 1003.210(a)(4) .....	2019	20,504	20,866
42 CFR 1003.310(a)(3) .....	2019	102,522	104,330
42 CFR 1003.210(a)(1) .....	2019	20,504	20,866
42 CFR 1003.210(a)(6) .....	2019	102,522	104,330
42 CFR 1003.210(a)(8) .....	2019	20,504	20,866
42 CFR 1003.210(a)(7) .....	2019	57,812	58,832

Penalty for an excluded party retaining ownership or control interest in a participating entity.  
 Penalty for remuneration offered to induce program beneficiaries to use particular providers, practitioners, or suppliers.  
 Penalty for employing or contracting with an excluded individual.  
 Penalty for knowing and willful solicitation, receipt, offer, or payment of remuneration for referring an individual for a service or for purchasing, leasing, or ordering an item to be paid for by a Federal health care program.  
 Penalty for ordering or prescribing medical or other item or service during a period in which the person was excluded.  
 Penalty for knowingly making or causing to be made a false statement, omission or misrepresentation of a material fact in any application, bid, or contract to participate or enroll as a provider or supplier.  
 Penalty for knowing of an overpayment and failing to report and return.  
 Penalty for making or using a false record or statement that is material to a false or fraudulent claim.

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1320a-7a(b) .....	42 CFR 1003.210(a)(9) .....		Penalty for failure to grant timely access to HHS OIG for audits, investigations, evaluations, and other statutory functions of HHS OIG.	2019	30,757	31,300
	.....	OIG	Penalty for payments by a hospital or critical access hospital to induce a physician to reduce or limit services to individuals under direct care of physician or who are entitled to certain medical assistance benefits.	2019	5,126	5,216
			Penalty for physicians who knowingly receive payments from a hospital or critical access hospital to induce such physician to reduce or limit services to individuals under direct care of physician or who are entitled to certain medical assistance benefits.	2019	5,126	5,216
	42 CFR 1003.210(a)(10) ...		Penalty for a physician who executes a document that falsely certifies home health needs for Medicare beneficiaries.	2019	10,252	10,433

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1320a-7a(c) .....	OIG .....	Penalty for knowingly presenting or causing to be presented a false or fraudulent specified claim under a grant, contract, or other agreement for which the Secretary provides funding.	2016	10,000	10,176
		Penalty for knowingly making, using, or causing to be made or used any false statement, omission, or misrepresentation of a material fact in any application, proposal, bid, progress report, or other document required to directly or indirectly receive or retain funds provided pursuant to grant, contract, or other agreement.	2016	50,000	50,882
		Penalty for knowingly making, using, or causing to be made or used, a false record or statement material to a false or fraudulent specified claim under grant, contract, or other agreement.	2016	50,000	50,882
		Penalty for knowingly making, using, or causing to be made or used, a false record or statement material to an obligation to pay or transmit funds or property with respect to grant, contract, or other agreement, or knowingly conceals or improperly avoids or decreases any such obligation.	2016	50,000 for each false record or statement, 10,000 per day.	53,231 for each false record statement, 10,646 per day.

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1320a-7e(b)(6)(A) .....	42 CFR 1003.810 .....	OIG	Penalty for failure to grant timely access, upon reasonable request, to the Inspector General (I.G.) for purposes of audits, investigations, evaluations, or other statutory functions of I.G. in matters involving grants, contracts, or other agreements.	2016	15,000	15,265
1320a-7e(b)(6)(A) .....	42 CFR 1003.810 .....	OIG	Penalty for failure to report any final adverse action taken against a health care provider, supplier, or practitioner.	2019	39,121	39,811
1320b-10(b)(1) .....	42 CFR 1003.610(a) .....	OIG	Penalty for the misuse of words, symbols, or emblems in communications in a manner in which a person could falsely construe that such item is approved, endorsed, or authorized by HHS.	2019	10,519	10,705
1320b-10(b)(2) .....	42 CFR 1003.610(a) .....	OIG	Penalty for the misuse of words, symbols, or emblems in a broadcast or telecast in a manner in which a person could falsely construe that such item is approved, endorsed, or authorized by HHS.	2019	52,596	53,524

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1395f-3(b)(3)(B)(ii)(1) ...	42 CFR 1003.210(a)(11) ...	OIG	Penalty for certification of a false statement in assessment of functional capacity of a Skilled Nursing Facility resident assessment.	2019	2,194	2,233
1395f-3(b)(3)(B)(ii)(2) ...	42 CFR 1003.210(a)(11) ...	OIG	Penalty for causing another to certify or make a false statement in assessment of functional capacity of a Skilled Nursing Facility resident assessment.	2019	10,967	11,160
1395f-3(g)(2)(A) .....	42 CFR 1003.1310 .....	OIG	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.	2019	4,388	4,465
1395w-27(g)(2)(A) .....	42 CFR 1003.410 .....	OIG	Penalty for a Medicare Advantage organization that substantially fails to provide medically necessary, required items and services.	2019	39,936	40,640
			Penalty for a Medicare Advantage organization that charges excessive premiums.	2019	39,121	39,811
			Penalty for a Medicare Advantage organization that improperly expels or refuses to reenroll a beneficiary.	2019	39,121	39,811
			Penalty for a Medicare Advantage organization that engages in practice that would reasonably be expected to have the effect of denying or discouraging enrollment.	2019	156,488	159,248



TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
		Penalty per individual who does not enroll as a result of a Medicare Advantage organization's practice that would reasonably be expected to have the effect of denying or discouraging enrollment.	2019	23,473	23,887
		Penalty for a Medicare Advantage organization misrepresenting or falsifying information to Secretary.	2019	156,488	159,248
		Penalty for a Medicare Advantage organization misrepresenting or falsifying information to individual or other entity.	2019	39,121	39,811
		Penalty for Medicare Advantage organization interfering with provider's advice to enrollee and non-managed care organization (MCO) affiliated providers that balance bill enrollees.	2019	39,121	39,811
		Penalty for a Medicare Advantage organization that employs or contracts with excluded individual or entity.	2019	39,121	39,811
		Penalty for a Medicare Advantage organization enrolling an individual in without prior written consent.	2019	39,121	39,811

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1395w-141(i)(3) .....	.....	OIG	Penalty for a Medicare Advantage organization trans- ferring an enrollee to an- other plan without consent or solely for the purpose of earning a commission.	2019	39,121	39,811
1395cc(g) .....	.....	OIG	Penalty for a Medicare Ad- vantage organization failing to comply with marketing restrictions or applicable in- plementing regulations or guidance.	2019	39,121	39,811
1395dd(d)(1) .....	42 CFR 1003.510 .....	OIG	Penalty for a hospital or re- sponsible physician dump- ing patients needing emer- gency medical care, if the hospital has 100 beds or more.	2019	109,663	111,597
.....	.....	OIG	Penalty for a hospital or re- sponsible physician dump- ing patients needing emer- gency medical care, if the hospital has less than 100 beds.	2019	54,833	55,800
.....	.....	OIG	Penalty for a Medicare Ad- vantage organization em- ploying or contracting with an individual or entity who violates 1395w- 27(g)(1)(A)-(J).	2019	13,669	13,910
.....	.....	OIG	Penalty for a prescription drug card sponsor that falsifies or misrepresents marketing materials, overcharges pro- gram enrollees, or misuse transitional assistance funds.	2019	5,317	5,411
.....	.....	OIG	Penalty for improper billing by Hospitals, Critical Access Hospitals, or Skilled Nurs- ing Facilities.	2019	5,317	5,411

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1395mm(i)(6)(B)(i) .....	42 CFR 1003.410 .....	OIG	<p>Penalty for a health maintenance organization (HMO) or competitive plan is such plan substantially fails to provide medically necessary, required items or services.</p> <p>Penalty for HMOs/competitive medical plans that charge premiums in excess of permitted amounts.</p> <p>Penalty for a HMO or competitive medical plan that expels or refuses to reenroll an individual per prescribed conditions.</p> <p>Penalty for a HMO or competitive medical plan that implements practices to discourage enrollment of individuals needing services in future.</p> <p>Penalty per individual not enrolled in a plan as a result of a HMO or competitive medical plan that implements practices to discourage enrollment of individuals needing services in the future.</p> <p>Penalty for a HMO or competitive medical plan that misrepresents or falsifies information to the Secretary.</p>	2019	54,833	55,800
				2019	54,833	55,800
				2019	54,833	55,800
				2019	219,327	223,196
				2019	31,558	32,115
				2019	219,327	223,196

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1395nn(g)(3) .....	42 CFR 1003.310 .....	OIG	2019	54,833	55,800
					Penalty for a HMO or competitive medical plan that misrepresents or falsifies information to an individual or any other entity.
1395nn(g)(4) .....	42 CFR 1003.310 .....	OIG	2019	54,833	55,800
					Penalty for failure by HMO or competitive medical plan to assure prompt payment of Medicare risk sharing contracts or incentive plan provisions.
1395ss(d)(1) .....	42 CFR 1003.1110 .....	OIG	2019	50,334	51,222
					Penalty for HMO that employs or contracts with excluded individual or entity.
1395ss(d)(2) .....	42 CFR 1003.1110 .....	OIG	2019	25,372	25,820
					Penalty for submitting or causing to be submitted claims in violation of the Stark Law's restrictions on physician self-referrals.
1395ss(d)(3)(A)(ii) .....	42 CFR 1003.1110 .....	OIG	2019	169,153	172,137
					Penalty for circumventing Stark Law's restrictions on physician self-referrals.
1395ss(d)(2) .....	42 CFR 1003.1110 .....	OIG	2019	10,519	10,705
					Penalty for a material misrepresentation regarding Medigap compliance policies.
1395ss(d)(3)(A)(ii) .....	42 CFR 1003.1110 .....	OIG	2019	10,519	10,705
					Penalty for selling Medigap policy under false pretense.
			2019	47,357	48,192
					Penalty for an issuer that sells health insurance policy that duplicates benefits.
			2019	28,413	28,914
					Penalty for someone other than issuer that sells health insurance that duplicates benefits.
1395ss(d)(4)(A) .....	42 CFR 1003.1110 .....	OIG	2019	10,519	10,705
					Penalty for using mail to sell a non-approved Medigap insurance policy.
1396b(m)(5)(B)(i) .....	42 CFR 1003.410 .....	OIG	2019	52,596	53,524
					Penalty for a Medicaid MCO that substantially fails to provide medically necessary, required items or services.

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	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
			Penalty for a Medicaid MCO that charges excessive premiums.	2019	52,596	53,524
			Penalty for a Medicaid MCO that improperly expels or refuses to reenroll a beneficiary.	2019	210,386	214,097
			Penalty per individual who does not enroll as a result of a Medicaid MCO's practice that would reasonably be expected to have the effect of denying or discouraging enrollment.	2019	31,558	32,115
			Penalty for a Medicaid MCO misrepresenting or falsifying information to the Secretary.	2019	210,386	214,097
			Penalty for a Medicaid MCO misrepresenting or falsifying information to an individual or another entity.	2019	52,596	53,524
			Penalty for a Medicaid MCO that fails to comply with contract requirements with respect to physician incentive plans.	2019	47,357	48,192
1396f(b)(3)(B)(ii)(I) .....	42 CFR 1003.210(a)(11) ...	OIG	Penalty for willfully and knowingly certifying a material and false statement in a Skilled Nursing Facility resident assessment.	2019	2,194	2,233

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1396f(b)(3)(B)(ii)(II) .....	42 CFR 1003.210(a)(11) ...	OIG	Penalty for willfully and knowingly causing another individual to certify a material and false statement in a Skilled Nursing Facility resident assessment.	2019	10,967	11,160
1396f(g)(2)(A)(i) .....	42 CFR 1003.1310 .....	OIG	Penalty for notifying or causing to be notified a Skilled Nursing Facility of the time or date on which a survey is to be conducted.	2019	4,388	4,465
1396f-8(b)(3)(B) .....	42 CFR 1003.1210 .....	OIG	Penalty for the knowing provision of false information or refusing to provide information about charges or prices of a covered outpatient drug.	2019	189,427	192,768
1396f-8(b)(3)(C)(i) .....	42 CFR 1003.1210 .....	OIG	Penalty per day for failure to timely provide information by drug manufacturer with rebate agreement.	2019	18,943	19,277
1396f-8(b)(3)(C)(ii) .....	42 CFR 1003.1210 .....	OIG	Penalty for knowing provision of false information by drug manufacturer with rebate agreement.	2019	189,427	192,768
1396f(i)(3)(A) .....	42 CFR 1003.1310 .....	OIG	Penalty for notifying home and community-based providers or settings of survey.	2019	3,788	3,855
11131(c) .....	42 CFR 1003.810 .....	OIG	Penalty for failing to report a medical malpractice claim to National Practitioner Data Bank.	2019	22,927	23,331
11137(b)(2) .....	42 CFR 1003.810 .....	OIG	Penalty for breaching confidentiality of information reported to National Practitioner Data Bank.	2019	22,927	23,331
299b-22(f)(1) .....	42 CFR 3.404 .....	OCR	Penalty for violation of confidentiality provision of the Patient Safety and Quality Improvement Act.	2019	12,695	12,919

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
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	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
	45 CFR 160.404(b)(1)(i), (i).	OCR	Penalty for each pre-February 18, 2009 violation of the Health Insurance Portability and Accountability Act (HIPAA) administrative simplification provisions. Calendar Year Cap .....	2019	159	162
1320(d)-5(a) .....	45 CFR 160.404(b)(2)(i)(A), (B).	OCR	Penalty for each February 18, 2009 or later violation of a HIPAA administrative simplification provision in which it is established that the covered entity or business associate did not know and by exercising reasonable diligence, would not have known that the covered entity or business associate violated such a provision: Minimum .....	2019	39,936	40,640
	45 CFR 160.404(b)(2)(i)(A), (B).	OCR	Maximum .....	2019	117	119
			Calendar Year Cap .....	2019	58,490	59,522
			Penalty for each February 18, 2009 or later violation of a HIPAA administrative simplification provision in which it is established that the violation was due to reasonable cause and not to willful neglect: Minimum .....	2019	1,754,698	1,785,651
			Maximum .....	2019	1,170	1,191
			Calendar Year Cap .....	2019	58,490	59,522
				2019	1,754,698	1,785,651

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45 CFR	OCR	160.404(b)(2)(iii)(A), (B).	<p>Penalty for each February 18, 2009 or later violation of a HIPAA administrative simplification provision in which it is established that the violation was due to willful neglect and was corrected during the 30-day period beginning on the first date the covered entity or business associate knew, or, by exercising reasonable diligence, would have known that the violation occurred:</p> <p>Minimum ..... 11,698                  Maximum ..... 58,490                  Calendar Year Cap ..... 1,754,698</p>	<p>2019 11,904                  2019 59,522                  2019 1,785,651</p>
45 CFR	OCR	160.404(b)(2)(iv)(A), (B).	<p>Penalty for each February 18, 2009 or later violation of a HIPAA administrative simplification provision in which it is established that the violation was due to willful neglect and was not corrected during the 30-day period beginning on the first date the covered entity or business associate knew, or by exercising reasonable diligence, would have known that the violation occurred:</p> <p>Minimum ..... 58,490                  Maximum ..... 1,754,698                  Calendar Year Cap ..... 1,754,698</p>	<p>2019 59,522                  2019 1,785,651                  2019 1,785,651</p>
263a(h)(2)(B) & 1395w-2(b)(2)(A)(i).	CMS	42 CFR 493.1834(d)(2)(i) ..	<p>Penalty for a clinical laboratory's failure to meet participation and certification requirements and poses immediate jeopardy:</p> <p>Minimum ..... 6,417                  Maximum ..... 21,039</p>	<p>2019 6,530                  2019 21,410</p>



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	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
	42 CFR 493.1834(d)(2)(ii)	CMS	Penalty for a clinical laboratory's failure to meet participation and certification requirements and the failure does not pose immediate jeopardy: Minimum ..... Maximum .....	2019 2019 2019	106 6,311 1,156	108 6,422 1,176
300gg-15(f) .....	45 CFR 147.200(e) .....	CMS	Failure to provide the Summary of Benefits and Coverage.	2019	116	118
300gg-18 .....	45 CFR 158.606 .....	CMS	Penalty for violations of regulations related to the medical loss ratio reporting and rebating.			
1320a-7h(b)(1) .....	42 CFR 402.105(d)(5), 42 CFR 403.912(a) & (c).	CMS	Penalty for manufacturer or group purchasing organization failing to report information required under 42 U.S.C. 1320a-7h(a), relating to physician ownership or investment interests: Minimum ..... Maximum ..... Calendar Year Cap .....	2019 2019 2019	1,156 11,562 173,436	1,176 11,766 176,495
1320a-7h(b)(2) .....	42 CFR 402.105(h), 42 CFR 403.912(b) & (c).	CMS	Penalty for manufacturer or group purchasing organization knowingly failing to report information required under 42 U.S.C. 1320a-7h(a), relating to physician ownership or investment interests: Minimum .....	2019	11,562	11,766



TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1320a–8(a)(3) .....	.....		Penalty for violation of 42 U.S.C. 1320a–8(a)(1) if the violator is a person who receives a fee or other income for services performed in connection with determination of the benefit amount or the person is a physician or other health care provider who submits evidence in connection with such a determination.	2019	7,975	8,116
1320a–8(a)(3) .....	.....	CMS	Penalty for a representative payee (under 42 U.S.C. 405(j), 1007, or 1383(a)(2)) converting any part of a received payment from the benefit programs described in the previous civil monetary penalty to a use other than for the benefit of the beneficiary.	2019	6,623	6,740
1320b–25(c)(1)(A) .....	.....	CMS	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.	2019	231,249	235,328

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1320b-25(c)(2)(A) .....	CMS	.....	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.	2019	346,872	352,991
1320b-25(d)(2) .....	CMS	.....	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.	2019	231,249	235,328
1395b-7(b)(2)(B) .....	CMS	42 CFR 402.105(g) .....	Penalty for any person who knowingly and willfully fails to furnish a beneficiary with an itemized statement of items or services within 30 days of the beneficiary's request.	2019	156	159
1395i-3(h)(2)(B)(ii)(I) ....	CMS	42 CFR 488.408(d)(1)(iii) ..	Penalty per day for a Skilled Nursing Facility that has a Category 2 violation of certification requirements:	2019	110	112
			Minimum .....	2019	6,579	6,695
			Maximum .....	2019	2,194	2,233
	CMS	42 CFR 488.408(d)(1)(iv) ..	Penalty per instance of Category 2 noncompliance by a Skilled Nursing Facility:	2019	21,933	22,320
			Minimum .....	2019		
			Maximum .....	2019		

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CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
42 CFR 488.408(e)(1)(iii) ..	CMS	Penalty per day for a Skilled Nursing Facility that has a Category 3 violation of certification requirements: Minimum .....	2019	6,690	6,808
		Maximum .....	2019	21,933	22,320
42 CFR 488.408(e)(1)(iv) ..	CMS	Penalty per instance of Category 3 noncompliance by a Skilled Nursing Facility: Minimum .....	2019	2,194	2,233
		Maximum .....	2019	21,933	22,320
42 CFR 488.408(e)(2)(ii) ...	CMS	Penalty per day and per instance for a Skilled Nursing Facility that has Category 3 noncompliance with Immediate Jeopardy: Per Day (Minimum) .....	2019	6,690	6,808
		Per Day (Maximum) .....	2019	21,933	22,320
		Per Instance (Minimum) .....	2019	2,194	2,233
		Per Instance (Maximum) .....	2019	21,933	22,320
42 CFR 488.438(a)(1)(i) ....	CMS	Penalty per day of a Skilled Nursing Facility that fails to meet certification requirements. These amounts represent the upper range per day: Minimum .....	2019	6,690	6,808
		Maximum .....	2019	21,933	22,320
42 CFR 488.438(a)(1)(ii) ...	CMS	Penalty per day of a Skilled Nursing Facility that fails to meet certification requirements. These amounts represent the lower range per day: Minimum .....	2019	110	112

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42 CFR 488.438(a)(2) .....	CMS	Maximum .....	2019	6,579	6,695
.....		Penalty per instance of a Skilled Nursing Facility that fails to meet certification requirements:			
.....		Minimum .....	2019	2,194	2,233
1395(h)(5)(D) .....	CMS	Maximum .....	2019	21,933	22,320
.....		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)).	2019	15,975	16,257
1395(i)(6) .....	CMS	Penalty for knowingly and willfully presenting or causing to be presented a bill or request for payment for an intraocular lens inserted during or after cataract surgery for which the Medicare payment rate includes the cost of acquiring the class of lens involved.	2019	4,208	4,282
1395(q)(2)(B)(i) .....	CMS	Penalty for knowingly and willfully failing to provide information about a referring physician when seeking payment on an unassigned basis.	2019	4,027	4,098

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
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	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1395m(a)(1)(A) .....	42 CFR 402.1(c)(4), 402.105(d)(2)(ii).	CMS	Penalty for any durable medical equipment supplier that knowingly and willfully charges for a covered service that is furnished on a rental basis after the rental payments may no longer be made. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a–7a(a)).	2019	15,975	16,257
1395m(a)(18)(B) .....	42 CFR 402.1(c)(5), 402.105(d)(2)(iii).	CMS	Penalty for any nonparticipating durable medical equipment supplier that knowingly and willfully fails to make a refund to Medicare beneficiaries for a covered service for which payment is precluded due to an unsolicited telephone contact from the supplier. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a–7a(a)).	2019	15,975	16,257

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1395m(b)(5)(C) .....	42 CFR 402.1(c)(6), 402.105(d)(2)(iv).	CMS	Penalty for any nonparticipating physician or supplier that knowingly and willfully charges a Medicare beneficiary more than the limiting charge for radiologist services. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2019	15,975	16,257
1395m(h)(3) .....	42 CFR 402.1(c)(8), 402.105(d)(2)(vi).	CMS	Penalty for any supplier of prosthetic devices, orthotics, and prosthetics that knowingly and willfully charges for a covered prosthetic device, orthotic, or prosthetic that is furnished on a rental basis after the rental payment may no longer be made. (Penalties are assessed in the same manner as 42 U.S.C. 1395m(a)(11)(A), that is in the same manner as 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2019	15,975	16,257
1395m(j)(2)(A)(iii) .....	.....	CMS	Penalty for any supplier of durable medical equipment including a supplier of prosthetic devices, prosthetics, orthotics, or supplies that knowingly and willfully distributes a certificate of medical necessity in violation of Section 1834(j)(2)(A)(i) of the Act or fails to provide the information required under Section 1834(j)(2)(A)(ii) of the Act.	2019	1,692	1,722



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	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1395m(j)(4) .....	42 CFR 402.1(c)(10), 402.105(d)(2)(vii).	CMS	Penalty for any supplier of durable medical equipment, including a supplier of prosthetic devices, prosthetics, orthotics, or supplies that knowingly and willfully fails to make refunds in a timely manner to Medicare beneficiaries for series billed other than on an assignment-related basis under certain conditions. (Penalties are assessed in the same manner as 42 U.S.C. 1395m(j)(4) and 1395u(j)(2)(B), which is assessed according to 1320a–7a(a)).	2019	15,975	16,257
1395m(k)(6) .....	42 CFR 402.1(c)(31), 402.105(d)(3).	CMS	Penalty for any person or entity who knowingly and willfully bills or collects for any outpatient therapy services or comprehensive outpatient rehabilitation services on other than an assignment-related basis. (Penalties are assessed in the same manner as 42 U.S.C. 1395m(k)(6) and 1395u(j)(2)(B), which is assessed according to 1320a–7a(a)).	2019	15,975	16,257

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1395m()(6) .....	42 CFR 402.1(c)(32), 402.105(d)(4).	CMS	Penalty for any supplier of ambulance services who knowingly and willfully fills or collects for any services on other than an assignment-related basis. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(b)(18)(B), which is assessed according to 1320a-7a(a)).	2019	15,975	16,257
1395u(b)(18)(B) .....	42 CFR 402.1(c)(11), 402.105(d)(2)(viii).	CMS	Penalty for any practitioner specified in Section 1842(b)(18)(C) of the Act or other person that knowingly and willfully bills or collects for any services by the practitioners on other than 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)).	2019	15,975	16,257
1395u(j)(2)(B) .....	42 CFR 402.1(c) .....	CMS	Penalty for any physician who charges more than 125% for a non-participating referral. (Penalties are assessed in the same manner as 42 U.S.C. 1320a-7a(a)).	2019	15,975	16,257

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1395u(k) .....	42 CFR 402.1(c)(12), 402.105(d)(2)(x).	CMS	Penalty for any physician who knowingly and willfully presented a claim for bill for an assistant at a cataract surgery performed on or after March 1, 1987, for which payment may not be made because of section 1862(a)(15). (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a–7a(a)).	2019	15,975	16,257
1395u(l)(3) .....	42 CFR 402.1(c)(13), 402.105(d)(2)(x).	CMS	Penalty for any nonparticipating physician who does not accept payment on an assignment-related basis and who knowingly and willfully fails to refund on a timely basis any amounts collected for services that are not reasonable or medically necessary or are of poor quality under 1842(l)(1)(A). (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a–7a(a)).	2019	15,975	16,257

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1395u(m)(3) .....	42 CFR 402.1(c)(14), 402.105(d)(2)(xi).	CMS	Penalty for any nonparticipating physician charging more than \$500 who does not accept payment for an elective surgical procedure on an assignment related basis and who knowingly and willfully fails to disclose the required information regarding charges and coinsurance amounts and fails to refund on a timely basis any amount collected for the procedure in excess of the charges recognized and approved by the Medicare program. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2019	15,975	16,257
1395u(m)(3) .....	42 CFR 402.1(c)(15), 402.105(d)(2)(xii).	CMS	Penalty for any physician who knowingly, willfully, and repeatedly bills one or more beneficiaries for purchased diagnostic tests any amount other than the payment amount specified by the Act. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2019	15,975	16,257

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1395u(o)(3)(B) .....	42 CFR 414.707(b) .....	CMS	Penalty for any practitioner specified in Section 1842(b)(18)(C) of the Act or other person that knowingly and willfully bills or collects for any services pertaining to drugs or biologics by the practitioners on other than an assignment-related basis. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(b)(18)(B) and 1395u(j)(2)(B), which is assessed according to 1320a–7a(a)).	2019	15,975	16,257
1395u(p)(3)(A) .....	.....	CMS	Penalty for any physician or practitioner who knowingly and willfully fails promptly to provide the appropriate diagnosis codes upon CMS or Medicare administrative contractor request for payment or bill not submitted on an assignment-related basis.	2019	4,208	4,282
1395w–3a(d)(4)(A) .....	42 CFR 414.806 .....	CMS	Penalty for a pharmaceutical manufacturer's misrepresentation of average sales price of a drug, or biologic.	2019	13,669	13,910

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1395w-4(g)(1)(B) .....	42 CFR 402.1(c)(17), 402.105(d)(2)(xiii).	CMS	Penalty for any nonparticipating physician, supplier, or other person that furnishes physician services not on an assignment-related basis who either knowingly and willfully bills or collects in excess of the statutorily-defined limiting charge or fails to make a timely refund or adjustment. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2019	15,975	16,257
1395w-4(g)(3)(B) .....	42 CFR 402.1(c)(18), 402.105(d)(2)(xiv).	CMS	Penalty for any person that knowingly and willfully bills for statutorily defined State-plan approved physicians' services on any other basis than an assignment-related basis for a Medicare/Medicaid dual eligible beneficiary. (Penalties are assessed in the same manner as 42 U.S.C. 1395u(j)(2)(B), which is assessed according to 1320a-7a(a)).	2019	15,975	16,257
1395w-27(g)(3)(A); 1857(g)(3).	42 CFR 422.760(b); 42 CFR 423.760(b).	CMS	Penalty for each termination determination the Secretary makes that is the result of actions by a Medicare Advantage organization or Part D sponsor that has adversely affected an individual covered under the organization's contract.	2019	39,121	39,811

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January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1395w-27(g)(3)(B); 1857(g)(3).	.....	CMS	Penalty for each week beginning after the initiation of civil money penalty procedures by the Secretary because a Medicare Advantage organization or Part D sponsor has failed to carry out a contract, or has carried out a contract inconsistently with regulations.	2019	15,649	15,925
1395w-27(g)(3)(D); 1857(g)(3).	.....	CMS	Penalty for a Medicare Advantage organization's or Part D sponsor's early termination of its contract.	2019	145,335	147,899
1395y(b)(3)(C) .....	42 CFR 411.103(b) .....	CMS	Penalty for an employer or other entity to offer any financial or other incentive for an individual entitled to benefits not to enroll under a group health plan or large group health plan which would be a primary plan.	2019	9,472	9,639
1395y(b)(5)(C)(ii) .....	42 CFR 402.1(c)(20), 42 CFR 402.105(b)(2).	CMS	Penalty for any non-governmental employer that, before October 1, 1998, willfully or repeatedly failed to provide timely and accurate information requested relating to an employee's group health insurance coverage.	2019	1,542	1,569

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1395y(b)(6)(B) .....	42 CFR 402.1(c)(21), 402.105(a).	CMS	Penalty for any entity that knowingly, willfully, and repeatedly fails to complete a claim form relating to the availability of other health benefits in accordance with statute or provides inaccurate information relating to such on the claim form.	2019	3,383	3,443
1395y(b)(7)(B)(i) .....	.....	CMS	Penalty for any entity serving as insurer, third party administrator, or fiduciary for a group health plan that fails to provide information that identifies situations where the group health plan is or was a primary plan to Medicare to the HHS Secretary.	2019	1,211	1,232
1395y(b)(8)(E) .....	.....	CMS	Penalty for any non-group health plan that fails to identify claimants who are Medicare beneficiaries and provide information to the HHS Secretary to coordinate benefits and pursue any applicable recovery claim.	2019	1,211	1,232
1395nn(g)(5) .....	42 CFR 411.361 .....	CMS	Penalty for any person that fails to report information required by HHS under Section 1877(f) concerning ownership, investment, and compensation arrangements.	2019	20,134	20,489



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	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1395pp(h) .....	42 CFR 402.1(c)(23), 402.105(d)(2)(xv).	CMS	Penalty for any durable medical equipment supplier, including a supplier of prosthetic devices, prosthetics, orthotics, or supplies, that knowingly and willfully fails to make refunds in a timely manner to Medicare beneficiaries under certain conditions. (42 U.S.C. 1395(m)(18) sanctions apply here in the same manner, which is under 1395u(j)(2) and 1320a-7a(a)).	2019	15,975	16,257
1395ss(a)(2) .....	42 CFR 402.1(c)(24), 405.105(f)(1).	CMS	Penalty for any person that issues a Medicare supplemental policy that has not been approved by the State regulatory program or does not meet Federal standards after a statutorily defined effective date.	2019	54,832	55,799
1395ss(d)(3)(A)(vi)(II) ....		CMS	Penalty for someone other than issuer that sells or issues a Medicare supplemental policy to beneficiary without a disclosure statement.	2019	28,413	28,914
			Penalty for an issuer that sells or issues a Medicare supplemental policy without disclosure statement.	2019	47,357	48,192

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1395ss(d)(3)(B)(iv) .....	CMS	.....	Penalty for someone other than issuer that sells or issues a Medicare supplemental policy without acknowledgment form.	2019	28,413	28,914
1395ss(p)(8) .....	CMS	42 CFR 402.1(c)(25), 402.105(e).	Penalty for issuer that sells or issues a Medicare supplemental policy without an acknowledgment form.	2019	47,357	48,192
			Penalty for any person that sells or issues Medicare supplemental policies after a given date that fail to conform to the National Association of Insurance Commissioners (NAIC) or Federal standards established by statute.	2019	28,413	28,914
	CMS	42 CFR 402.1(c)(25), 405.105(f)(2).	Penalty for any person that sells or issues Medicare supplemental policies after a given date that fail to conform to the NAIC or Federal standards established by statute.	2019	47,357	48,192
1395ss(p)(9)(C) .....	CMS	42 CFR 402.1(c)(26), 402.105(e).	Penalty for any person that sells a Medicare supplemental policy and fails to make available for sale the core group of basic benefits when selling other Medicare supplemental policies with additional benefits or fails to provide the individual, before selling the policy, an outline of coverage describing benefits.	2019	28,413	28,914

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
	42 CFR 402.1(c)(26), 405.105(f)(3), (4).		Penalty for any person that sells a Medicare supplemental policy and fails to make available for sale the core group of basic benefits when selling other Medicare supplemental policies with additional benefits or fails to provide the individual, before selling the policy, an outline of coverage describing benefits.	2019	47,357	48,192
1395ss(q)(5)(C) .....	42 CFR 402.1(c)(27), 405.105(f)(5).	CMS	Penalty for any person that fails to suspend the policy of a policyholder made eligible for medical assistance or automatically reinstates the policy of a policyholder who has lost eligibility for medical assistance, under certain circumstances.	2019	47,357	48,192
1395ss(r)(6)(A) .....	42 CFR 402.1(c)(28), 405.105(f)(6).	CMS	Penalty for any person that fails to provide refunds or credits as required by section 1882(r)(1)(B).	2019	47,357	48,192

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1395ss(s)(4) .....	42 CFR 402.1(c)(29), 405.105(c).	CMS	Penalty for any issuer of a Medicare supplemental policy that does not waive listed time periods if they were already satisfied under a preceding Medicare supplemental policy, or denies a policy, or conditions the issuances or effectiveness of the policy, or discriminates in the pricing of the policy base on health status or other specified criteria.	2019	20,104	20,459
1395ss(t)(2) .....	42 CFR 402.1(c)(30), 405.105(f)(7).	CMS	Penalty for any issuer of a Medicare supplemental policy that fails to fulfill listed responsibilities.	2019	47,357	48,192
1395ss(v)(4)(A) .....	.....	CMS	Penalty someone other than issuer who sells, issues, or renews a Medigap Rx policy to an individual who is a Part D enrollee.	2019	20,503	20,865
1395bbb(c)(1) .....	42 CFR 488.725(c) .....	CMS	Penalty for an issuer who sells, issues, or renews a Medigap Rx policy who is a Part D enrollee.	2019	34,174	34,777
1395bbb(f)(2)(A)(i) .....	42 CFR 488.845(b)(2)(iii) 42 CFR 488.845(b)(3)-(6); and 42 CFR 488.845(d)(1)(i).	CMS	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.	2019	4,388	4,465
	42 CFR 488.845(b)(3) .....	CMS	Maximum daily penalty amount for each day a home health agency is not in compliance with statutory requirements.	2019	21,039	21,410
			Penalty per day for home health agency's noncompliance (Upper Range):	2019	17,883	18,198
			Minimum .....	2019	21,039	21,410
			Maximum .....			

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
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CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
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.	2019	21,039	21,410
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.	2019	18,934	19,268
42 CFR 488.845(b)(3)(iii) ..		Penalty for an isolated incident of noncompliance in violation of established home health agency (HHA) policy.	2019	17,883	18,198
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 (Lower Range): Minimum .....	2019	3,157	3,213
42 CFR 488.845(b)(5) .....		Maximum .....	2019	17,883	18,198
		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 .....	2019	1,052	1,071
		Maximum .....	2019	8,415	8,563

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 .....	2019	2,104	2,141
	Maximum .....	2019	21,039	21,410
42 CFR 488.845(d)(1)(ii) ...	Penalty for each day of non-compliance (Maximum).	2019	21,039	21,410
42 CFR 460.46 .....	Penalty for each day of non-compliance (Maximum).	2019	21,039	21,410
1396b(m)(5)(B) .....	Penalty for Programs of All-Inclusive Care for the Elderly (PACE) organization's practice that would reasonably be expected to have the effect of denying or discouraging enrollment: Minimum .....	2019	23,473	23,887
	Maximum .....	2019	156,488	159,248
	Penalty for a PACE organization that charges excessive premiums.	2019	39,121	39,811
	Penalty for a PACE organization misrepresenting or falsifying information to CMS, the State, or an individual or other entity.	2019	156,488	159,248
	Penalty for each determination the CMS makes that the PACE organization has failed to provide medically necessary items and services of the failure has adversely affected (or has the substantial likelihood of adversely affecting) a PACE participant.	2019	39,121	39,811

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR 1	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1396(h)(3)(C)(ii)(I) .....	42 CFR 488.408(d)(1)(iii) ..	CMS	Penalty for involuntarily disenrolling a participant. Penalty for discriminating or discouraging enrollment or disenrollment of participants on the basis of an individual's health status or need for health care services. Penalty per day for a nursing facility's failure to meet a Category 2 Certification: Minimum .....	2019	39,121	39,811
	42 CFR 488.408(d)(1)(iv) ..	CMS	Maximum .....	2019	39,121	39,811
	42 CFR 488.408(d)(1)(iv) ..	CMS	Penalty per instance for a nursing facility's failure to meet Category 2 certification: Minimum .....	2019	110	112
			Maximum .....	2019	6,579	6,695
	42 CFR 488.408(e)(1)(iii) ..	CMS	Penalty per day for a nursing facility's failure to meet Category 3 certification: Minimum .....	2019	2,194	2,233
			Maximum .....	2019	21,933	22,320
	42 CFR 488.408(e)(1)(iv) ..	CMS	Penalty per instance for a nursing facility's failure to meet Category 3 certification: Minimum .....	2019	6,690	6,808
			Maximum .....	2019	21,933	22,320
	42 CFR 488.408(e)(2)(ii) ...	CMS	Penalty per instance for a nursing facility's failure to meet Category 3 certification, which results in immediate jeopardy: Minimum .....	2019	2,194	2,233
			Maximum .....	2019	21,933	22,320

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1396r(f)(2)(B)(iii)(I)(c) ....	42 CFR 488.438(a)(1)(i) ....	CMS	Minimum ..... Maximum .....	2,194 21,933	2,233 22,320
	42 CFR 488.438(a)(1)(ii) ...	CMS	Penalty per day for nursing facility's failure to meet certification (Upper Range): Minimum ..... Maximum .....	6,690 21,933	6,808 22,320
	42 CFR 488.438(a)(2) .....	CMS	Penalty per day for nursing facility's failure to meet certification (Lower Range): Minimum ..... Maximum .....	110 6,579	112 6,695
	42 CFR 483.151(b)(2)(iv) and (b)(3)(iii).	CMS	Penalty per instance for nursing facility's failure to meet certification: Minimum ..... Maximum .....	2,194 21,933 10,967	2,233 22,320 11,160
1396r(h)(3)(C)(ii)(I) .....	42 CFR 483.151(c)(2) .....	CMS	Grounds to prohibit approval of Nurse Aide Training Program—if assessed a penalty in 1819(h)(2)(B)(i) or 1919(h)(2)(A)(i) of "not less than \$5,000." [Not civil monetary penalties (CMPs) authority, but a specific CMP amount (CMP at this level) that is the triggering condition for disapproval]. 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].	10,967	11,160



TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
1396f(i)(2)(C) .....	.....	CMS	Penalty for each day of non-compliance for a home or community care provider that no longer meets the minimum requirements for home and community care: Minimum .....			<sup>2</sup> 19,277
			Maximum .....	2019	<sup>2</sup> 18,943	39,811
1396u–2(e)(2)(A)(i) .....	42 CFR 438.704 .....	CMS	Penalty for a Medicaid managed care organization that fails substantially to provide medically necessary items and services. Penalty for Medicaid managed care organization that imposes premiums or charges on enrollees in excess of the premiums or charges permitted. Penalty for a Medicaid managed care organization that misrepresents or falsifies information to another individual or entity. Penalty for a Medicaid managed care organization that fails to comply with the applicable statutory requirements for such organizations.	2019	39,121	39,811
				2019	39,121	39,811
				2019	39,121	39,811

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1396u-2(e)(2)(A)(iii) .....	42 CFR 438.704 .....	CMS	Penalty for a Medicaid managed care organization that misrepresents or falsifies information to the HHS Secretary.	2019	156,488	159,248
1396u-2(e)(2)(A)(iv) .....	42 CFR 438.704 .....	CMS	Penalty for Medicaid managed care organization that acts to discriminate among enrollees on the basis of their health status.	2019	156,488	159,248
1396u(h)(2) .....	42 CFR Part 441, Subpart I.	CMS	Penalty for each individual that does not enroll as a result of a Medicaid managed care organization that acts to discriminate among enrollees on the basis of their health status.	2019	23,473	23,887
1396w-2(c)(1) .....	45 CFR 150.315; 45 CFR 156.805(c).	CMS	Penalty for a provider not meeting one of the requirements relating to the protection of the health, safety, and welfare of individuals receiving community supported living arrangements services.	2019	21,933	22,320
18041(c)(2) .....	42 CFR 155.285 .....	CMS	Penalty for disclosing information related to eligibility determinations for medical assistance programs.	2019	11,698	11,904
18081(h)(1)(A)(i)(II) .....		CMS	Failure to comply with requirements of the Public Health Services Act; Penalty for violations of rules or standards of behavior associated with issuer participation in the federally-facilitated Exchange. (42 U.S.C. 300gg-22(b)(2)(C)).	2019	159	162
		CMS	Penalty for providing false information on Exchange application.	2019	28,906	29,416

TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS AGENCIES AND PENALTY AMOUNTS—Continued  
January 17, 2020

	CFR <sup>1</sup>	HHS agency	Description <sup>2</sup>	Date of last penalty figure or adjustment <sup>3</sup>	2019 Maximum adjusted penalty (\$)	2020 Maximum adjusted penalty (\$) <sup>4</sup>
18081(h)(1)(B) .....	42 CFR 155.285 .....	CMS	Penalty for knowingly or willfully providing false information on Exchange application.	2019	289,060	294,159
18081(h)(2) .....	42 CFR 155.260 .....	CMS	Penalty for knowingly or willfully disclosing protected information from Exchange.	2019	28,906	29,416
31 U.S.C.: 1352 .....	45 CFR 93.400(e) .....	HHS	Penalty for the first time an individual makes an expenditure prohibited by regulations regarding lobbying disclosure, absent aggravating circumstances. Penalty for second and subsequent offenses by individuals who make an expenditure prohibited by regulations regarding lobbying disclosure: Minimum .....	2019	20,134	20,489
			Maximum .....	2019	20,134	20,489
			Penalty for the first time an individual fails to file or amend a lobbying disclosure form, absent aggravating circumstances	2019	201,340	204,892
			Penalty for second and subsequent offenses by individuals who fail to file or amend a lobbying disclosure form, absent aggravating circumstances: Minimum .....	2019	20,134	20,489
			Maximum .....	2019	20,134	20,489

3801-3812 .....	45 CFR Part 93, Appendix A.	HHS	<p>Maximum .....</p> <p>Penalty for failure to provide certification regarding lobbying in the award documents for all sub-awards of all tiers:</p> <p>Minimum .....</p> <p>Maximum .....</p> <p>Penalty for failure to provide statement regarding lobbying for loan guarantee and loan insurance transactions:</p> <p>Minimum .....</p> <p>Maximum .....</p> <p>Penalty against any individual who—with knowledge or reason to know—makes, presents or submits a false, fictitious or fraudulent claim to the Department.</p> <p>Penalty against any individual who—with knowledge or reason to know—makes, presents or submits a false, fictitious or fraudulent claim to the Department.</p>	<p>2019</p> <p>2019</p> <p>2019</p> <p>2019</p> <p>2019</p> <p>2019</p> <p>2019</p>	<p>201,340</p> <p>20,134</p> <p>201,340</p> <p>20,134</p> <p>201,340</p> <p>10,520</p> <p>10,520</p>	<p>204,892</p> <p>20,489</p> <p>204,892</p> <p>20,489</p> <p>204,892</p> <p>10,706</p> <p>10,706</p>
3801-3812 .....	45 CFR 79.3(a)(1)(iv) .....	HHS	<p>Penalty against any individual who—with knowledge or reason to know—makes, presents or submits a false, fictitious or fraudulent claim to the Department.</p>	2019	10,520	10,706
3801-3812 .....	45 CFR 79.3(b)(1)(ii) .....	HHS	<p>Penalty against any individual who—with knowledge or reason to know—makes, presents or submits a false, fictitious or fraudulent claim to the Department.</p>	2019	10,520	10,706

<sup>1</sup> Some HHS components have not promulgated regulations regarding their civil monetary penalty-specific statutory authorities.  
<sup>2</sup> The description is not intended to be a comprehensive explanation of the underlying violation; the statute and corresponding regulation, if applicable, should be consulted.

<sup>3</sup> Statutory or Inflation Act Adjustment.

<sup>4</sup> The cost of living multiplier for 2020, based on the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October 2019, not seasonally adjusted, is 1.01764, as indicated in OMB Memorandum M-20-05, "Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil Penalties Adjustment Act Improvements Act of 2015" (December 16, 2019).

[81 FR 61565, Sept. 6, 2016, as amended at 83 FR 51370, Oct. 11, 2018; 84 FR 59550, Nov. 5, 2019; 85 FR 2870, Jan. 17, 2020]