

HARM OR POTENTIAL HARM PER DAY CMP – DOUBLE G OR MULTIPLE G’S

S E V E R I T Y	Actual Harm, but no Immediate Jeopardy	G \$100	H \$200 SQC \$150	I \$250 SQC \$200
	No Actual Harm but Potential for more than Minimal Harm but no Immediate Jeopardy	D \$50	E \$100	F \$200 SQC \$150
	No Actual Harm but Potential for no more than Minimal Harm	A No Remedies	B No Remedies	C No Remedies
	Scope	Isolated	Pattern	Widespread

Circle base amount and number of all that apply, add detail (if necessary), e.g., dates of prior repeat citations, prior CMP amounts

1. A civil money penalty may be assessed for any Level 2 or higher deficiency, (see S.O.M. Section 7516) but should primarily be assessed for F-SQC or Harm deficiencies, and Level 2 deficiencies following removal of an IJ.
2. Facilities will not be given an opportunity to correct (daily CMP’s will be imposed) when they have deficiencies of actual harm or above on a current survey and on the previous standard survey or any intervening survey; or they have two or more actual harm or SQC citations at the current survey.
3. The total civil money penalties assessed cannot exceed \$3,000 per day; or \$10,000 per instance.
4. To determine the CMP amount for continued noncompliance following an IJ removal, base the CMP amount on the highest S/S citation remaining.
5. Add \$50 per day or \$500 per instance to the base penalty amount if the noncompliance is a repeat citation or same regulatory grouping at F-SQC or harm, or ANY IJ citation within the last 24 months, two annual survey periods. Like amounts should be added for each repeating deficiency at F-SQC or harm, or ANY IJ citation. For a third repeat, consider adding DIT, DPOC, or discretionary DPNA.
6. Add \$50 per day or \$500 per instance to the base penalty amount, based on the degree of culpability of the facility; i.e. if the noncompliance is intentional, or a product of neglect, indifference or disregard.
7. If revisit citations or new citations in same enforcement cycle increase number of citations and scope and severity to harm or F-SQC or higher, impose CMP based on new harm or SQC cites or add \$50 to existing daily CMP amount.
8. Add \$50 per day or \$500 per instance for each survey event resulting in high numbers of citations at level 2 or higher (more than 15 cites) at the last two standard surveys, intervening surveys, or current survey.
9. If a previous cycle within the last 24 months or 2 previous standard surveys included a daily CMP, then BHS will recommend at least the same daily CMP for failure to maintain compliance, if current cites are F-SQC or Harm.
10. In addition to any CMP amounts calculated, BHS may recommend imposition of discretionary DPNA when 3 or more G level (or higher) citations are issued in a 12-month period or for failure to maintain compliance.

THIS CIVIL MONEY PENALTY (CMP) SCHEDULE CONFORMS TO 42 CFR 488.408. THIS SCHEDULE IS INTENDED TO COVER THE MAJORITY OF CASES WHERE THE STATE AGENCY RECOMMENDS CMP IMPOSITION. SITUATIONS MAY ARISE THAT JUSTIFY DEPARTURE FROM THESE GUIDELINES.

Revised **04/09/07; 08/16/07; 11/30/11; 02/16/12**

Facility Name _____

Total amount of CMP / PI CMP \$ _____

Lo/Analyst Name _____

Survey Exit Date _____