NURSING HOME UPDATE: CMS RECASTS THE CIVIL MONEY PENALTY REINVESTMENT PROGRAM

As nursing homes look for funds to allow them to improve care and train nursing home staff, Centers for Medicare & Medicaid Services ("CMS") released QSO-23-23-NH ("CMS Memo"), which reopens and recasts the Civil Money Penalty Reinvestment Program ("CMPRP"). A Civil Monetary Penalty ("CMP") is a fine that CMS may impose against nursing homes for either the number of days or for each instance a nursing home is not in substantial compliance with one or more Medicare and Medicaid participation requirements. CMS initially launched the CMPRP to improve quality of life by providing resources for nursing home staff and administrators to acquire technical tools and related assistance to enhance nursing home resident care.

The CMS Memo gives nursing homes an outline of both allowable and non-allowable uses of CMP reinvestment funds.

ALLOWABLE USES OF CMP REINVESTMENT FUNDS

The CMS Memo lists categories of projects that CMS will approve for nursing home funding. Various types of projects can be implemented under each category by nursing home applicants from any state. CMS also set maximum funding amounts for these projects to ensure the costs of the projects are reasonable and that the projects can be available to any nursing home. Allowable uses include the following categories:

1. Resident or Family Councils
2. Consumer Information
3. Training to Improve Quality of Care
4. Activities to Improve Quality of Life
5. CMS Developed Global Public Health Emergency Applications
6. Emergency Use for States
7. Administrative Use for States
8. Travel Costs for Implementation of Projects

NON-ALLOWABLE USES OF CMP REINVESTMENT FUNDS

The CMS Memo provides an updated list of non-allowable uses of CMP funds for projects. CMS will no longer approve CMP funding for complex or highly sophisticated technology projects, such as telemedicine, virtual reality or artificial intelligence, in addition to the following items.

Facility-wide Wireless Internet Access (Wi-Fi)

CMS is also assessing whether nursing homes are without broadband, facility-wide, wireless internet, also known as "Wi-Fi" access for residents. CMS asks that any nursing home that does not have facility-wide Wi-Fi accessible to all residents complete a form and submit it to CMS via email no later than December 22, 2023.

CMP Reinvestment Funds and Workforce

The CMS Memo emphasized that CMS will no longer accept Nursing Workforce applications for CMP funding.

Mental and Behavioral Health CMPRP Applications

The CMS Memo emphasized that CMS will no longer accept serious mental illness and/or substance use disorder applications for CMP funding but that dementia care may continue to be funded.

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APPLICATIONS

All nursing homes interested in applying for CMP funds should review the information in the CMS Memo, all attachments and the CMPRP website.

PRACTICAL TAKEAWAYS

- Nursing homes should review the list of allowable uses of CMP funding so they clearly understand what types of projects will be approved.
- Nursing homes should review the information in this memorandum, all attachments and the CMPRP website.

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