

# CMS Provides Enforcement Remedy/Alternative Sanctions Guidance for Hospice and Home Health

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The Centers for Medicare & Medicaid Services (CMS) recently released anticipated revisions to the State Operations Manual (SOM) that address the Informal Dispute Resolution (IDR) and enforcement procedures for home health agencies and hospice programs. The revisions, as stated in memo [QSO-24-11-HHA & Hospice](#) include guidance for State Agencies (SAs) and CMS Survey & Operations Group (SOG) Locations on recommending and imposing HHA alternative sanctions and hospice enforcement remedies. These revisions are effective immediately; however, state survey agency directors have 30 days to communicate the information to their staff.

In accordance with 42 CFR §488.800 – §488.865 for HHAs and §488.1200-§488.1265 for hospice programs, In addition to termination of an HHA's or hospice program's provider agreement, sanctions such as civil money penalties (CMP), suspension of payment for all new admissions, temporary management, directed plans of correction, and directed in-service training can be imposed when an HHA or hospice program are out of compliance with Federal requirements. The sanctions are referred to as alternative sanctions for home health and enforcement remedies for hospices. They were implemented in 2014 for home health and in 2022 for hospice. However, CMS had not provided written guidance for surveyors to utilize in applying the enforcement remedies in hospice, so they were rarely used. Through this most current memo CMS revises Chapter 10 of the SOM to incorporate the Informal Dispute Resolution (IDR) process and enforcement procedures for both home health agencies and hospice programs. The information is new for hospices and is revised for home health agencies. HHAs should review the chapter as it now includes the IDR process and the information on enforcement procedures for alternative sanctions is more detailed, which provides some needed clarity. NAHC anticipates that SAs will begin applying the enforcement remedies and alternative sanctions more than they have in the past now that they have this guidance.

HHAs and hospices may see that their survey entity revises its communication and instructions on the IDR process based on the recent Chapter 10 revisions. There is no change to the process, but there is now more detailed guidance to the Agencies on how the option of the IDR is to be communicated to the providers and how the IDR request is to be handled.

Alternative sanctions in HHAs and enforcement remedies in hospice programs are recommended by the State survey agency (SA), and the CMS Location reviews the SA recommendation to ensure that it is supported by the SA findings. Accrediting Organizations (AOs) are not authorized to impose federal sanctions/remedies. Therefore, HHAs or hospice programs participating in Medicare through deemed status are not directly subject to sanctions/remedies by the AO while under jurisdiction of the AO. However, the CMS Location may, after reviewing the AO's survey findings and related information, authorize the SA to conduct a focused validation survey to determine whether condition-level deficiencies, cited by the AO, have been corrected. If deemed status is withdrawn and/or the HHA or hospice program is placed under the jurisdiction of the SA, as may occur following a complaint investigation by the SA, the CMS Location may impose alternative sanctions/remedies on the HHA or hospice program per the usual procedures.

Home health agencies and hospices should review the details of this recent update to ensure they understand when and how the alternative sanctions/enforcement remedies may be applied. CMS training for Location enforcement staff on imposing the HHA alternative sanctions and the hospice program enforcement remedies is available to providers and the public on the [CMS Quality, Safety, and Education Portal \(QSEP\) website](#). The training is titled ***Enforcement Process for Home Health Agency and Hospice Programs***. Providers will need to choose the "Select here for public access to the Training Catalog" link immediately below the Log In/Sign Up buttons on the page.