

## Frequently Asked Questions (FAQ) Civil Money Penalty (CMP) Reinvestment General Information

### 1. What is the CMPRP?

CMPRP is an effort to drive improvements in quality of care for nursing home residents. The program aims to improve quality of life and quality of care by equipping nursing home staff, administrators, and stakeholders with technical tools and assistance to enhance resident care. CMPRP activities include supporting the Centers for Medicare & Medicaid Services (CMS) Branch work related to reviewing Civil Money Penalty (CMP) Reinvestment Applications and CMP Reinvestment State Plans to use CMP funds.

### 2. Where can I find information about the CMPRP?

Information about the CMPRP can be found on the [Civil Money Penalty Reinvestment Program website](#).

### 3. What are CMP funds and how is the CMPRP funded?

CMP stands for civil money penalty. It is a monetary penalty the CMS or the State may impose against skilled nursing facilities (SNFs), nursing facilities (NFs), and dually-certified SNFs/NFs for either the number of days or for each instance a facility is not in substantial compliance with one or more Medicare and Medicaid participation requirements for long-term care facilities (Code of Federal Regulations (CFR) [42 §488.430](#)). The requirements for participation with Medicare and Medicaid for Long-Term Care (LTC) facilities are located at [42 CFR Part 483 subpart B](#). These CMP funds must be used to conduct activities that support and protect nursing home residents. The CMPRP effort is funded by the Federal portion of CMPs.

### 4. My nursing home recently received notice of civil money penalty and I would like further information. Should I contact the [CMP-Info@cms.hhs.gov](mailto:CMP-Info@cms.hhs.gov) mailbox?

No, the CMPRP Team is not responsible for any correspondence regarding a monetary penalty CMS or the State may impose against skilled nursing facilities (SNFs), nursing facilities (NFs), and dually-certified SNFs/NFs for either the number of days or for each instance a facility is not in substantial compliance with one or more Medicare and Medicaid participation requirements for long-term care facilities.

For further information regarding a monetary penalty, *refer to the contact information included in the imposition notice* or CMS LTC Location.

### 5. Why are these funds available and how can they be used?

Sections 1819(h)(2)(B)(ii)(IV)(ff) and 1919(h)(3)(C)(ii)(IV)(ff) of the Social Security Act (the Act) incorporate specific provisions of the Patient Protection and Affordable Care Act, (also known as the Affordable Care Act (ACA) (Pub. L. 111-148) pertaining to the collection and uses of CMPs.

The ACA and regulation (42 CFR §488.433) provide that CMP funds may be used to support activities that protect or improve the quality of care or quality of life for long-term care facility residents. This may include any of the following:

- Assistance to support and protect residents of a facility that closes or is decertified;

- Time-limited expenses incurred in the process of relocating residents to home and community-based settings or another facility when a facility is closed or downsized pursuant to an agreement with the State Medicaid Agency;
- Projects that support resident and family councils and other consumer involvement in assuring quality care in facilities;
- Development and maintenance of temporary management or receivership capability. A temporary manager's salary must be paid by the facility unless CMS stops or suspends payments to the facility under [42 CFR §489.55](#) during the temporary manager's duty period, and CMS determines that extraordinary action is necessary to protect the residents until relocation efforts are successful;
- Expenses incurred by a State related to CMP uses (i.e., administrative expenses related to administering, monitoring, and evaluating CMP projects); and
- Training that covers material that benefits facility residents. This can include joint training of nursing home staff and surveyors. CMP funds cannot be used to replace training required by CMS regulation.

### **6. Are State Agencies (SAs) required to submit annual reports of CMP fund uses?**

In order to maintain compliance with 42 CFR 488.433, at a minimum, SAs will make information about the use of CMP funds publicly available, including the dollar amount, recipients, and results of the project. The submitted metrics and outcomes will be published annually in the CMP Project Tracker on the CMP website.

Examples of funded projects can be found on the CMS CMPRP webpage: in the *Downloads* section, in the zip file titled “**State CMP Reinvestment Projects**” and “**Examples of CMP Funded Projects and Non-allowable Uses**”.

### **7. How can a stakeholder interested in applying for CMP funds submit an application?**

*All stakeholders interested in applying for CMP funds should review the information in this memorandum, all attachments, and [the CMPRP website](#). All fields on the application must be complete (or state “not applicable”), and the application must be signed and dated before submission. During the CMPRP review process, applicants will have two (2) attempts to provide all required corrections. Failure to provide the requested information will result in the application not being considered for approval.*

For more information on allowable and unallowable uses, please see [42 CFR §488.433](#) and Chapter Seven (§ 7535) of the [State Operations Manual](#) and [S&C memorandum 12-13-NH](#).

### **8. What is a toolkit?**

Toolkit Resources are to aid nursing home teams in reducing adverse events, improving staffing quality and improving dementia care. A series of toolkits meant to assist teams with improving staff competency and employee satisfaction is now available under the *Downloads* section on the [CMPRP webpage](#).

**9. Are there any usage restrictions on the toolkits or is it acceptable to use the toolkits in electronic training materials?**

The CMPRP toolkits are free public resources that can be used by staff and team members of all nursing homes. The electronic assessments are also available for nursing homes to distribute to staff in a manner they see fit, including internal learning systems.

**10. What should I do if I have questions about the CMPRP toolkits?**

If you have questions, please contact [DNH\\_TriageTeam@cms.hhs.gov](mailto:DNH_TriageTeam@cms.hhs.gov).