



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
*Aging and Long-Term Support Administration*  
PO Box 45600, Olympia, WA 98504-5600

July 24, 2017

ALTSA NH #2017-022  
**S&C 17-37-NH REVISION OF CIVIL MONEY PENALTY (CMP) POLICIES  
AND CMP ANALYTIC TOOL**

Dear Nursing Facility/Home Administrator:

The Omnibus Budget Reconciliation Act of 1987 (OBRA '87) modernized the survey process for long term care facilities and provided a range of remedies that CMS could impose to encourage a swift return to substantial compliance and sustained compliance going forward, thus preventing harm to residents. Among the remedies authorized by OBRA '87 are civil money penalties (CMPS). CMS imposes two types of CMPS: Per Day and Per Instance. Per Day CMPS are divided into lower and upper level ranges. The upper level range CMPS must be used when facility noncompliance puts resident health and safety in immediate jeopardy. Lower level CMPS must be used for facility noncompliance that results in actual harm to residents or poses the potential for more than minimal harm to residents.

**Revisions to CMP Tool:** When noncompliance exists, enforcement remedies, such as civil money penalties (CMPS), are intended to promote a swift return to substantial compliance for a sustained period of time, preventing future noncompliance. To increase national consistency in imposing CMPS, the Centers for Medicare & Medicaid Services (CMS) is revising the CMP analytic tool in the following areas, which are further explained within the S&C memo:

- Past Noncompliance;
- Per Instance CMP is the Default for Noncompliance Existed Before the Survey;
- Per Day CMP is the Default for Noncompliance Existing During the Survey and Beyond;
- Revised Timing; and
- Review of High CMPS.

**This policy memo replaces S&C Memo 15-16-NH:** The prior versions of the CMP Tool are obsolete, as of the effective date of S&C 17-37-NH, July 17, 2017.

Additional information and the S&C memo can be found at: [S&C 17-37-NH](#)

Thank you for your continued commitment to the health and safety of nursing home residents. If you have any questions, please contact your local RCS Field Manager.

Sincerely,

*Candace Goehring*  
for Candace Goehring, Director  
Residential Care Services

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