

Report on Medicare Compliance Volume 28, Number 28. August 05, 2019 OIG Offers Guidance to Encourage Grantee Self-Disclosure, Has New CMP

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The HHS Office of Inspector General (OIG) has released guidance to encourage mandatory and voluntary self-disclosures of research misconduct. The stakes have been raised for self-disclosure because OIG now has a civil monetary penalty (CMP) aimed specifically at false statements or other violations involving federal grants and contracts courtesy of the 21st Century Cures Act.

OIG's new Grant Self-Disclosure Guidance, which was announced July 12, addresses "sanctions for improper conduct related to HHS awards." It states that "OIG may sanction anyone that engages in fraud or certain other improper conduct related to HHS grants, contracts, and other agreements."

Recipients and subrecipients of federal awards are required to disclose certain conduct pursuant to 45 C.F.R. § 75.113 (2018), namely "violations of certain federal criminal law. We generally refer to those as mandatory disclosures," OIG senior counsel Geeta Taylor explained in an interview with *Report on Research Compliance*, sister publication of *Report on Medicare Compliance*. Also, actions "that don't cleanly fall into that or if entities are unsure if it falls into that category, they can otherwise disclose to us," Taylor said.

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