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OIG: Providers May Need Flexibility; Some Self-Disclosures Were Paused

By Nina Youngstrom

The HHS Office of Inspector General (OIG) has been cutting providers some slack during the COVID-19 public health emergency, a top official said. That has extended, for example, to suspending penalties for telehealth copay waivers^[1] and setting aside specific corporate integrity agreement (CIA) requirements in 30 instances.

“We are grateful for the hard work of providers and recognize they may need flexibility,” Lisa Re, assistant inspector general for legal affairs, said March 24 at the Institute on Medicare and Medicaid Payment Issues sponsored by the American Health Law Association.

For example, OIG has been posting answers to frequently asked questions from the industry on the application of OIG’s administrative enforcement authorities to arrangements directly connected to the COVID-19 public health emergency, with the most recent FAQ posted March 24.^[2]

Re said OIG has also been flexible with certain aspects of self-disclosures, civil money penalty (CMP) settlements and CIAs. Forty times, OIG “extended the time for providers under CIAs to submit information to us,” said Susan Gillin, chief of the Administrative and Civil Remedies Branch. Also, “in 30 instances, upon request, we agreed to waive discrete CIA requirements. These may have included things like training requirements, field force monitoring, and certain aspects of [independent review organization] reviews, due to COVID making it unsafe to perform unnecessary in-person activities and causing staffing shortages.”

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