

## Report on Medicare Compliance Volume 32, Number 10. March 13, 2023 News Briefs: March 13, 2023

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◆ The HHS Office of Inspector General (OIG) said March 10 that the flexibility it provided in connection with the COVID-19 pandemic will expire at the end of the day May 11, when the public health emergency (PHE) is over.<sup>[1]</sup> OIG described the enforcement discretion it has exercised over the past three years. For one thing, OIG told physicians and other practitioners they wouldn't face administrative sanctions for waiving patient copays for telehealth services. OIG also said it "would exercise its enforcement discretion not to impose certain administrative sanctions for certain remuneration related to COVID-19." And over the course of the PHE, it has answered questions from the industry about "how OIG views certain arrangements that were directly connected to the public health emergency and implicated OIG's administrative enforcement authorities, including the Federal anti-kickback statute and Beneficiary Inducements CMP." That will change May 11. "As stated in the FAQs, the informal, nonbinding feedback provided "applies only to arrangements in existence solely during the time period subject to the COVID-19 Declaration."

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