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# HHS OIG Grant Self-Disclosure Program

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U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES  
**OFFICE OF INSPECTOR GENERAL**



## **HHS OIG GRANT SELF-DISCLOSURE PROGRAM**

This document provides guidance regarding self-disclosure by non-federal entities that are recipients of awards or sub-awards made by the U.S. Department of Health and Human Services (HHS). Non-federal entities should use this Grant Self-Disclosure Program to disclose potential violations of Federal criminal, civil, or administrative law relating to their awards or sub-awards.

### **The Grant Self-Disclosure Program**

The HHS Office of Inspector General (OIG) Grant Self-Disclosure Program provides HHS award recipients and sub-recipients with a framework for disclosing, coordinating, evaluating, and resolving potential violations of law relating to their awards or sub-awards. Recipients and sub-recipients of Federal awards must properly manage the Federal funds they are awarded and meet grant program requirements. If an award recipient or sub-recipient learns of a potential violation of law relating to their award—regardless of whether the potential violation is of Federal criminal, civil, or administrative law and regardless of how the recipient learned about the potential violation—they should: investigate the potential violation; assess any losses suffered by the Federal programs; take corrective action; and make full disclosure to the appropriate authorities. The HHS OIG Grant Self-Disclosure Program provides a means to meet these obligations.

### **Disclosures by HHS Award Recipients**

#### Mandatory Disclosures

Under 45 C.F.R. § 75.113, recipients and sub-recipients of (and applicants for) Federal awards are required to timely disclose in writing all violations of Federal criminal law that involve fraud, bribery, or gratuity violations potentially affecting their award. Under the terms and conditions of the award, recipients and sub-recipients of HHS awards must make these disclosures to both the HHS awarding agency and OIG. Disclosure under HHS OIG's Grant Self-Disclosure Program fulfills the obligation to disclose to OIG consistent with 45 C.F.R. § 75.113 and the terms and conditions of the award. Separate disclosure must also be made to the HHS awarding agency.

OIG does not review letters certifying that no violations of federal criminal law have occurred. Such certifications should not be submitted to OIG.

## Voluntary Disclosures

Recipients of HHS awards may voluntarily disclose conduct causing liability under the Civil Monetary Penalty Law (CMPL), 42 U.S.C. § 1320a-7a, or any other conduct—such as conduct that might violate civil or administrative laws—that does not clearly fall within the scope of offenses described at 45 C.F.R. § 75.113.

### **OIG Sanctions for Improper Conduct Related to HHS Awards**

OIG may sanction anyone that engages in fraud or certain other improper conduct related to HHS grants, contracts, and other agreements. This includes knowingly presenting a specified claim under a grant, contract, or other agreement that is false or fraudulent or knowingly making or using any false statement, omission, or misrepresentation of a material fact in any application, proposal, bid, progress report, or other document submitted to HHS in order to receive funds under an HHS grant, contract, or other agreement. OIG sanctions include civil monetary penalties, assessments, or exclusion from Federal health care programs. See 42 U.S.C. § 1320a-7a(o).

### **Resolution and Benefits of Self-Disclosure**

OIG promotes self-disclosure (whether mandatory or voluntary) by any discloser, which can be any recipient, sub-recipient, applicant, or anyone else who may have criminal, civil, or administrative liability related to any HHS grant, contract, or other agreement. Where appropriate, resolution of disclosed matters may include OIG's release of its CMPL administrative sanction authorities at 42 U.S.C. § 1320a-7a(o). Prompt disclosure, full cooperation, and robust internal investigation of potential violations are key indicators of an award recipient's integrity. As such, OIG rewards disclosers that self-disclose potential violations and cooperate during the disclosure process by imposing a lower penalty amount than would normally be required. Although an individual case may warrant otherwise, OIG's general practice in the settlement of self-disclosed CMPL matters is to require a multiplier of 1.5 times the damages instead of the 2 or 3 times multiplier that would normally apply to violations that were not self-disclosed. Further, in the context of a settlement arising from self-disclosure, OIG operates with a strong presumption against requiring a discloser to enter integrity agreements in exchange for a release of OIG's administrative Federal health care program exclusion authority. Under integrity agreements, which OIG often requires in non-self-disclosure fraud cases, parties agree to undertake certain compliance, auditing and reporting obligations.

OIG resolves most self-disclosures through a CMPL settlement with the discloser. While OIG coordinates with the Department of Justice (DOJ) on self-disclosures, DOJ is

generally not a party to the settlements. If the discloser seeks releases under the False Claims Act (FCA) or DOJ chooses to participate in a matter, then DOJ will determine how to resolve the FCA liability. In addition, OIG will investigate and refer all potential criminal conduct to DOJ. While OIG cannot guarantee in advance how a disclosure will be resolved, OIG coordinates with the HHS awarding agency and with DOJ to evaluate matters disclosed for potential resolution.

### **Submission Content**

To ensure an efficient evaluation of disclosed matters, disclosers should complete the HHS OIG Grant Self-Disclosure Submission Form. This form requests basic identifying information and a description of the conduct disclosed.

Disclosures may be submitted by email to [grantdisclosures@oig.hhs.gov](mailto:grantdisclosures@oig.hhs.gov) or by mail to the following address:

Office of Counsel to the Inspector General  
Office of Inspector General  
U.S. Department of Health and Human Services  
Grant Self-Disclosures  
330 Independence Avenue SW  
Cohen Building, Room 5527  
Washington, DC 20201

The submission should include the following basic information:

1. The name, address, IRS Federal Tax ID, and Data Universal Numbering System (DUNS) number of the recipient or sub-recipient making the disclosure.
2. The nature of the discloser (e.g., health center, university, community organization, non-profit, local government, state government, tribe, substance abuse provider, individual, other).
3. A point of contact in the discloser who is responsible for the disclosure, including name, email, and telephone number.
4. For each affected award, the following: the award title, Catalog of Federal Domestic Assistance (CFDA) number, type of award (e.g. direct grant, block grant, cooperative agreement), award amount, year awarded, principal investigator (if applicable), and description of the purpose of the grant.
5. For each affected award, the following: the awarding operating division within HHS, the award program office within HHS, the name, email, and phone number

of the grant officer, and whether the relevant HHS program office has been informed of the disclosed conduct.

6. A full description of the conduct disclosed including, at a minimum, the date the discloser learned of the conduct, the types of conduct, transactions, or claims giving rise to the matter, the time period during which the conduct occurred, and the names of persons believed to be involved, including an explanation of their roles in the matter.
7. A statement of the Federal criminal, civil, and administrative laws that are potentially violated by the disclosed conduct.
8. A description of any corrective action or measures taken by the discloser upon discovery of the conduct.
9. An estimate of the financial impact to the Federal government, and a description of the method for calculating the financial impact.
10. A list of all Federal agencies from whom the discloser is currently receiving federal awards.
11. A statement of whether the discloser has knowledge that any Federal, state, or local Government agency: (i) has a current inquiry into the matter disclosed; or (ii) has a current investigation or other inquiry related to the discloser for any other matter. If the discloser has knowledge of any such current inquiry, it must identify any involved agencies and their individual representatives.
12. The name of an individual authorized to enter into a settlement agreement on behalf of the discloser.
13. A certification by the discloser, or an authorized representative on behalf of the discloser, stating that to the best of the individual's knowledge, the submission contains truthful information and is based on a good faith effort to bring the matter to the Government's attention.

### **Reporting Suspected Fraud of Others**

Persons who want to report suspected fraud in Federal programs by others, but who are not disclosers under this program, should submit a Hotline Complaint using any of the of the following methods:

Online Complaint Submission: <https://forms.oig.hhs.gov/hotlineoperations/report-fraud-form.aspx>

Phone: 1-800-HHS-TIPS (1-800-447-8477)

Mail:

U.S. Department of Health and Human Services

Office of Inspector General

ATTN: OIG Hotline Operations

P.O. Box. 23489

Washington, DC 20026