



DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



Civil Monetary Penalty Authorities

Below is a list of commonly referenced OIG Civil Monetary Penalty authorities.

Social Security Act (SSA)			
SSA Section	42 U.S.C. §	42 C.F.R.	Description
1128A(a)(1)(A), (B)	1320a-7a(a)(1)(A), (B)	1003.102(a)(1), (2)	False claims
1128A(a)(1)(C)	1320a-7a(a)(1)(C)	1003.102(a)(4)	Claims submitted with a false certification of physician license
1128A(a)(1)(D)	1320a-7a(a)(1)(D)	1003.102(a)(2), (3)	Claims presented by excluded party
1128A(a)(2)	1320a-7a(a)(2)	1003.102(b)(1)(i)	Assignment agreement, participating physician or supplier agreement violation
1128A(a)(3)	1320a-7a(a)(3)	1003.102(b)(4)	A participating physician or supplier that knowingly gives false or misleading information that could reasonably be expected to influence the decision when to discharge an individual from the hospital
1128A(a)(4)	1320a-7a(a)(4)	1003.102(b)(12)	Excluded party retaining ownership or control interest in participating entity
1128A(a)(5)	1320a-7a(a)(5)	1003.102(b)(13)	Remuneration offered to induce program beneficiaries to use particular providers, practitioners, or suppliers
1128A(a)(6)	1320a-7a(a)(6)	1003.102(a)(2)	Employing or contracting with an excluded individual
1128A(a)(1)(E)	1320a-7a(a)(1)(E)	1003.102(a)(6)	Pattern of claims for medically unnecessary services/supplies
1128A(a)(7)	1320a-7a(a)(7)	1003.102(b)(11)	Improper remuneration to induce referrals

SSA Section	42 U.S.C. §	42 C.F.R.	Description
1128A(a)(8)	1320a-7a(a)(8)		Ordering or prescribing while excluded
1128A(a)(9)	1320a-7a(a)(9)		Making false statements, omissions, misrepresentations in an enrollment application
1128A(a)(10)	1320a-7a(a)(10)		Known retention of an overpayment
1128A(a)[11](8)	1320a-7a(a)[11](8)		Making or using a false record or statement that is material to a false or fraudulent claim
1128A(a)[12](9)	1320a-7a(a)[12](9)		Failure to grant timely access to OIG for audits, investigations, evaluations, or other statutory functions of OIG
1140(b)	1320b-10(b)		Misuse of Departmental symbols/emblems
1834(a)(18)(B) and 1842(j)(2)	1395m(a)(18)(B) and 1395u(j)(2)	402.1(c)(5)	Any nonparticipating durable medical equipment supplier that knowingly and willfully fails to make a refund to Medicare beneficiaries for a covered service for which payment is precluded due to an unsolicited telephone contact from the supplier
1867(d)(1)	1395dd(d)(1)		Dumping by hospital or responsible physician of patients needing emergency medical care
1876(i)(6)(A)(v), 1903(m)(5)(A)(iv), and 1857(g)(1)(E)	1395mm(i)(6)(A)(v), 1396b(m)(5)(A)(iv), and 1395w-27(g)(1)(E)		False or misrepresenting Medicare+Choice/HMO competitive medical plan information to Secretary, and individual, or other entity

SSA Section	42 U.S.C. §	42 C.F.R.	Description
1877(g)(3)	1395nn(g)(3)		Presenting claims for designated health services furnished while in a prohibited financial relationship
1877(g)(4)	1395nn(g)(4)		Circumventing physician financial relationship restrictions
1927(b)(3)(B)	1396r-8(b)(3)(B)		False information on a drug manufacturer survey from manufacturer, wholesaler, or seller
1927(b)(3)(C)	1396r-8(b)(3)(C)	414.806	Provision of untimely or false information by a drug manufacturer with rebate agreement

Health Care Quality Improvement Act (HCQIA)

HCQIA Section	42 U.S. C. §	42 C.F.R.	Description
427(b)	11137(b)(2)		Breaching confidentiality of information reported to the National Practitioner Data Bank

Public Health Security and Bioterrorism Preparedness and Response Act (PHSBPR)

PHSBPR Section	42 U.S. C. §	42 C.F.R.	Description
351A(i)(1)	262a(i)(1)	73, 1003.102(b)(16) and 1031	Noncompliance with regulations regarding appropriate transfer and/or possession of dangerous biological agents and toxins in violation of 42 CFR Parts 72 and 73