
42 C.F.R. § 1004.110

Notice of sanction.

- (a) The OIG must notify the practitioner or other person of the adverse determination and of the sanction to be imposed.
- (b) The sanction is effective 20 days from the date of the notice. Receipt is presumed to be 5 days after the date on the notice, unless there is a reasonable showing to the contrary.
- (c) The notice must specify—
 - (1) The legal and factual basis for the determination;
 - (2) The sanction to be imposed;
 - (3) The effective date and, if appropriate, the duration of the exclusion;
 - (4) The appeal rights of the practitioner or other person;
 - (5) The opportunity and the process necessary to provide alternative notification as set forth in paragraphs (d) and (e) of this section; and
 - (6) In the case of exclusion, the earliest date on which the OIG will accept a request for reinstatement.
- (d) *Patient notification.* (1)(i) The OIG will provide a sanctioned practitioner or other person an opportunity to elect to inform each of their patients of the sanction action. In order to elect this option, the sanctioned practitioner or other person must, within 30 calendar days from receipt of the OIG notice, inform both new and existing patients through written notice—based on a suggested (non-mandatory) model provided to the sanctioned individual by the OIG—of the sanction and, in the case of an exclusion, its effective date. Receipt of the OIG notice is presumed to be 5 days after the date of the notice, unless there is a reasonable showing to the contrary. Within this same period, the practitioner or other person must also sign and return the certification that the OIG will provide with the notice. For purposes of this section, the term “all existing patients” includes all patients currently under active treatment with the practitioner or other person, as well as all patients who have been treated by the practitioner or other person within the last 3 years. In addition, the practitioner or other person must notify all prospective patients orally at the time such persons request an appointment. If the sanctioned party is a hospital, it must notify all physicians who have privileges at the hospital, and must post a notice in its emergency room, business office and in all affiliated entities regarding the exclusion. In addition, for purposes of this section, the term “in all affiliated entities” encompasses all entities and properties in which the hospital has a direct or indirect ownership interest of 5 percent or more and any management, partnership or control of the entity.

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