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◆ Because of the COVID-19 pandemic, CMS said April 1 that it won't update the 855 enrollment form with sections on "affiliation disclosures," as planned in a 2019 program integrity regulation,<sup>[1]</sup> "for at least another 12 months," according to *MLN Matters* (SE21003).<sup>[2]</sup> It also will adopt a phased-in approach to affiliation disclosures. The regulation, which implements provisions of the Affordable Care Act, is designed to keep, or kick, providers out of Medicare if they pose an "undue risk" of fraud, waste or abuse. It requires providers to disclose "affiliations" with other providers who have been suspended or excluded from Medicare, Medicaid or the Children's Health Insurance Program (CHIP); owe the programs money; or had their billing privileges denied or revoked.<sup>[3]</sup> In the *MLN Matters*, CMS said "we initially proposed requiring affiliation disclosures from all providers and suppliers on all initial and revalidation Medicare enrollment applications." However, in response to comments, CMS has changed its tune. "We will issue affiliation disclosure requests on a discretionary basis. We have the authority to request that a provider or supplier disclose all applicable affiliations if we become aware that the provider or supplier likely has at least one potentially problematic affiliation. Further, we may become aware of an affiliation through internal data or other means."

◆ In an April 1 *MLN Matters* (SE21004),<sup>[4]</sup> CMS said it began recovering COVID-19 advanced and accelerated payments (CAAP) to providers as early as March 30. "Please be sure your billing staff are aware that the recovery has begun, or will begin soon but no sooner than 1 year from the date we issued the CAAP to you," CMS said.

<sup>1</sup> Medicare, Medicaid, and Children's Health Insurance Programs; Program Integrity Enhancements to the Provider Enrollment Process 84 Fed. Reg. 47,794 (September 10, 2019), <https://bit.ly/3fxykRz>.

<sup>2</sup> CMS, "New Provider Enrollment Administrative Action Authorities," *MLN Matters*, SE21003, March 24, 2021, <https://go.cms.gov/2OecyXE>.

<sup>3</sup> Nina Youngstrom, "CMS Rule: Providers Could Lose Medicare Privileges Because of Tainted 'Affiliations,'" *Report on Medicare Compliance* 28, no. 31 (September 9, 2019), <http://bit.ly/36CU7Ql>.

<sup>4</sup> CMS, "Repayment of COVID-19 Accelerated and Advance Payments Began on March 30, 2021," *MLN Matters*, SE21004, April 1, 2021, <https://go.cms.gov/3sEdV0O>.

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