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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.^[1] The
OIG described the enforcement discretion it has exercised over the past three years. For one thing, the
OIG told physicians and other practitioners they wouldn't face administrative sanctions for waiving patient copays for
telehealth services. The
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 the
OIG views certain arrangements that were directly connected
to the public health emergency and implicated the
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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