

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, Maryland 21244-1850



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**MEDICARE PARTS C AND D OVERSIGHT AND ENFORCEMENT GROUP**

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Date: January 26, 2024

To: All Medicare Advantage Organizations, Medicare Advantage – Prescription Drug Plans, Prescription Drug Plans, Section 1876 Cost Plans, Medicare-Medicaid Plans, and PACE Organizations

From: John A. Scott, Director  
Medicare Parts C and D Oversight and Enforcement Group

Subject: Standard Civil Money Penalty Accrual Amount Update

On June 21, 2019, the Centers for Medicare & Medicaid Services (CMS) released the final version of its revised Civil Money Penalty (CMP) calculation methodology that is used when the Medicare Parts C and D Oversight and Enforcement Group determines a CMP is the appropriate enforcement action to take against an organization to address identified deficiencies.<sup>1</sup> The methodology outlined the approach for increasing minimum penalty amounts, which was memorialized in regulation under 42 C.F.R. §§ 422.760(b)(3) and 423.760(b)(3).<sup>2</sup> CMS updated and announced the minimum penalty and aggravating factor amounts in 2022 and further stated the calculation and accrual of the standard minimum penalty and aggravating factor amounts would be tracked and announced on an annual basis. Therefore, CMS is announcing the updated 2024 accrued CMP amounts via this HPMS Memo. Although the accrued CMP amounts have increased, the applied penalty amounts will remain the same in 2024 consistent with our methodology.<sup>3</sup>

The following tables show the current and accrued CMP amounts.

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<sup>1</sup> This document is accessible in the “Downloads” section of the following CMS webpage:  
<https://www.cms.gov/Medicare/Compliance-and-Audits/Part-C-and-Part-D-Compliance-and-Audits/PartCandPartDEnforcementActions-.html>

<sup>2</sup> [86 FR 29528](#), June 2, 2021.

<sup>3</sup> Pursuant to 42 C.F.R. §§ 422.760(b)(3)(ii)(B) and 423.760(b)(3)(ii)(B), CMP amounts is updated no more often than every three years.

Table 1: Per Enrollee CMP Standard Minimum Penalty Accrual Amount for 2024

<b>Adjustment Year</b>	<b>OMB Multiplier</b>	<b>Starting Standard Minimum Penalty (Accrual)</b>	<b>Standard Minimum Penalty After Adjustment (Accrual)</b>	<b>Applied Standard Minimum Penalty Each Year</b>
2022	1.06222	\$218	\$232	\$232
2023	1.07745	\$232	\$250	\$232
<b>2024</b>	1.03241	\$250	\$258	<b>\$232</b>

Table 2: Per Determination CMP Standard Minimum Penalty Accrual Amount for 2024

<b>Adjustment Year</b>	<b>OMB Multiplier</b>	<b>Starting Standard Minimum Penalty (Accrual)</b>	<b>Standard Minimum Penalty After Adjustment (Accrual)</b>	<b>Applied Standard Minimum Penalty Each Year</b>
2022	1.06222	\$21,896	\$23,258	\$23,258
2023	1.07745	\$23,258	\$25,059	\$23,258
<b>2024</b>	1.03241	\$25,059	\$25,872	<b>\$23,258</b>

Table 3: Per Enrollee Untimely or Inaccurate Material Standard Minimum Penalty Accrual Amount for 2024

<b>Adjustment Year</b>	<b>OMB Multiplier</b>	<b>Starting Standard Minimum Penalty (Accrual)</b>	<b>Standard Minimum Penalty After Adjustment (Accrual)</b>	<b>Applied Standard Minimum Penalty Each Year</b>
2022	1.06222	\$28	\$30	\$30
2023	1.07745	\$30	\$32	\$30
<b>2024</b>	1.03241	\$32	\$33	<b>\$30</b>

Table 4: Per Enrollee Aggravating Factor Accrual Amount for 2024

<b>Adjustment Year</b>	<b>OMB Multiplier</b>	<b>Starting Aggravating Factor Amount (Accrual)</b>	<b>Aggravating Factor Amount After Adjustment (Accrual)</b>	<b>Applied Aggravating Factor Amount Each Year</b>
2022	1.06222	\$109	\$116	\$116
2023	1.07745	\$116	\$125	\$116
<b>2024</b>	1.03241	\$125	\$129	<b>\$116</b>

Table 5 Per Enrollee CMP Untimely or Inaccurate Material Aggravating Factor Accrual Amount for 2024

<b>Adjustment Year</b>	<b>OMB Multiplier</b>	<b>Starting Aggravating Factor Amount (Accrual)</b>	<b>Aggravating Factor Amount After Adjustment (Accrual)</b>	<b>Applied Aggravating Factor Amount Each Year</b>
2022	1.06222	\$17	\$18	\$18
2023	1.07745	\$18	\$19	\$18
<b>2024</b>	1.03241	\$19	\$20	<b>\$18</b>

Table 6: Per Determination CMP Aggravating Factor Accrual Amount for 2024

<b>Adjustment Year</b>	<b>OMB Multiplier</b>	<b>Starting Aggravating Factor Amount (Accrual)</b>	<b>Aggravating Factor Amount After Adjustment (Accrual)</b>	<b>Applied Aggravating Factor Amount Each Year</b>
2022	1.06222	\$5,474	\$5,814	\$5,814
2023	1.07745	\$5,814	\$6,264	\$5,814
<b>2024</b>	1.03241	\$6,264	\$6,467	<b>\$5,814</b>

This document is also accessible in the “Downloads” section of the following CMS webpage: <https://www.cms.gov/Medicare/Compliance-and-Audits/Part-C-and-Part-D-Compliance-and-Audits/PartCandPartDEnforcementActions-.html>.

If you have questions, please send them to: [part\\_c\\_part\\_d\\_audit@cms.hhs.gov](mailto:part_c_part_d_audit@cms.hhs.gov).