Frequently Asked Questions (FAQ)

Civil Money Penalty (CMP) Reinvestment Program Application

1. Who may apply for the use of CMP funds?

Funds may be granted to any entity for proper use of Centers for Medicare & Medicaid Services (CMS) approved CMP projects to protect or improve the quality of life or quality of care for long-term care (LTC) facility residents provided the responsible receiving entity is:

- o Qualified and capable of carrying out the intended project or use.

- o Not in any conflict-of-interest relationship (or the appearance of conflict-of-interest) with the entity or entities that will benefit from the intended project or use.

- o Not paid by a State or Federal source to perform the same function as the CMP project or use. CMP funds may not be used to enlarge or enhance an existing appropriation or statutory purpose.

Examples of eligible organizations include, but are not limited to:

- o Consumer advocacy organizations

- o Resident or family councils

- o Professional or State nursing home associations

- o CMS-certified LTC facilities [Skilled Nursing Facility (SNF), Nursing Facility (NF)]

- o Vendors

- o State Agencies

- o Academic institutions

- o Quality Innovation Network (QIN) – Quality Improvement Organization (QIO)

2. Can veterans' homes and Indian Health Service (IHS)/tribal LTC facilities apply for CMP funds?

Yes, if the LTC facility/nursing home is CMS-certified and subject to Federal CMPs through the survey and enforcement process, then it is eligible to apply for CMP funding.

3. Are non-certified LTC facilities eligible for these funds?

No, CMP funds can only be used to benefit residents in certified LTC facilities/nursing homes. LTC CMP funds cannot be used for settings such as assisted living facilities, hospitals, or adult day health care.

4. Can CMP funds be used by facilities that are not in compliance?

CMP funded projects are intended to help facilities maintain compliance, and all certified LTC facilities are eligible to apply for or benefit from the funding, but facilities cannot use CMP funds to bring themselves back into compliance with CMS requirements.

5. Does a project need to benefit multiple facilities to be approved?

No, projects can be approved for individual nursing homes or entities that are working with an individual nursing home.

6. What is the application process and where can I apply?

Completed applications may be submitted to RA-PWCMPGRANTS@pa.gov, to the Office of Long-Term Living for recommendation to CMS. All applications must receive approval through the CMS Location. The Location will respond to the State Agency (SA) with either approval, denial, or a request for more information. After a determination by the SA and CMS Location, the applicant will be notified of the funding determination by the State. Applicants may contact the applicable SA with questions regarding their CMP application. CMP applications that are denied may not be resubmitted at a later date.

7. I would like to submit a proposal, but I'm looking for project ideas. What can I do?

You may want to review the following resources for ideas:

• Pennsylvania CMP Reinvestment Projects on the Department of Human Services website under the For Providers section, Providers titled: Civil Money Penalty Fund. These are historical grants that have been awarded.

   Historical CMP Funding information: Civil Money Penalty Fund (pa.gov)

   CMP Allowable and Non-Allowable Uses : Civil Money Penalty Reinvestment Program | CMS

8.How long can a CMP project be implemented?

CMP projects cannot exceed three years (36 months), but there is no minimum requirement.

9.Can CMP projects be renewed after three years?

A CMP project cannot exceed three years in the same nursing home or same target population. However, if the project is successful and meets the definition of a CMP

reinvestment extension project, the applicant may apply to expand the project to a different nursing home population through the CMP reinvestment application process.

10. What is a CMP reinvestment continuation project?

A CMP reinvestment project is considered a "continuation project" if it is identical in project details and identical in the target audience to a project approved after April 1, 2018 (same applicant, same project focus, and same nursing home population). Applicants may apply for a continuation of a previously approved CMP reinvestment project only if the previously approved project did not exceed the three-year (36-month) limit. Applicants applying for a "continuation project" do not need to complete the entire application.

11. What is a CMP reinvestment extension project?

A CMP reinvestment project is considered an "extension project" if it is similar in project details to an in progress or completed project approved after April 1, 2018 (same applicant and/or same collaborating partner, similar project focus, but to a different nursing home population). Applicants applying for an extension of an approved CMP reinvestment project to a new nursing home location(s), do not have to complete the entire application. Please refer to the "What is a CMP Reinvestment Extension Project" resource at the following link for further information. Civil Money Penalty Reinvestment Program | CMS

12. What is required by the applicant for a CMP extension project?

An applicant submitting an extension project must include a letter or email from the SA of the previously approved, CMP-funded in progress, or completed project. In the letter or email, the SA needs to articulate whether the previous applicant met project goals and objectives and whether the SA recommends expanding the project to additional nursing homes.

13. Do CMP applications have a funding ceiling amount?

Yes, please refer to the Allowable Uses document for project funding guidelines. Applicants must clearly demonstrate the need and reasonableness for any funds requested. CMS may make exceptions to the funding caps at its discretion, based on the assessment of the impact on the need and quality of care and life for residents. Previously approved projects will not be impacted by the new funding guidelines; however, if an applicant chooses to submit in the future – projects must abide by the allowable ceiling amounts.

CMP Allowable and Non-Allowable Uses: Civil Money Penalty Reinvestment Program | CMS

14. How will CMS track nursing home and project funding to determine if a facility has reached the maximum annual funding limits for each project category?

The Civil Money Penalty Reinvestment Program (CMPRP)Team will track each nursing home's annual CMP funding allocated for the categories listed in the Allowable Uses document using their designated CMS Certification
Number (CCN). This tracking system will be used to determine if a facility has received the maximum allowable funding per category, per nursing home. Project categories include:
Resident or Family Council, Consumer Information, Training to Improve Quality of Care, and Activities to Improve Quality of Life projects. Please see below for further information regarding project funding per category:

Resident or Family Councils: CMP funds may be used for projects by not-for-profit resident advocacy organizations that:

• Assist in the development of new independent family councils.

• Assist resident and family councils in effective advocacy on their family members' behalf.

• Develop materials and training sessions for resident and family councils on state implementation of new federal or state legislation.

Maximum project funding per nursing home-$5,000

Consumer Information: CMP funds may be used to develop and disseminate information that is directly useful to nursing home residents and their families in becoming knowledgeable about their rights, nursing home care processes, and other information useful to a resident. For example, developing educational materials (e.g., flyers, brochures, booklets, web-based materials, etc.) to promote awareness of the unnecessary use of psychotropic medications, facility requirements or residents' rights related to discharge, advance care planning, etc. The goal of these materials is to help consumers understand the risks associated with administering these medications, raise awareness of their rights to consent to treatments, and promote the use of non-pharmacological interventions to improve the quality of life and care for residents diagnosed with dementia.

Maximum project funding per nursing home-$5,000

Training to Improve Quality of Care: CMP funds may be considered for training in facility improvement initiatives that are open to multiple nursing homes, including joint training of facility staff and surveyors, technical assistance for facilities implementing quality assurance programs, training for resident and/or family councils, LTC ombudsman or advocacy organizations and other activities approved by CMS. Training topics include, but are not limited to:

• Alzheimer's Disease and Dementia
• Wound Care

- Patient Safety
- Trauma-Centered Care
- Pain Management
- Cultural Sensitivity
- Culture Change
- Person-Centered Care
- Safe Medication Management
- Oral Health
- Non-Pharmaceutical Solutions
- Falls Education

Maximum Project Funding Per Nursing Home Per Year-$5,000

Activities to Improve Quality of Life: CMP funds can be used for projects to foster social interaction, movement, and minimize loneliness. Projects include, but are not limited to:

• Horticulture/Gardening

• Music Therapy

• Animal Therapy Including Robotic Pets

• Activities and games fostering movement and function - This may include activities (e.g., Tai Chi), group games (e.g., bingo with movement components), or technology-assisted games (e.g., Nintendo Wii movement games). Note, CMS will not fund complex, high-cost technology, such as virtual reality, artificial intelligence, or simulation projects.

• Reading and Memory Interventions

• Crafting

Maximum Project Funding Per Nursing Home Per Year-$5,000

Please note: A SA-sponsored state-based training will not factor into a facility's annual allowed training funds.

15. Is there a limit to the number of facilities that can be supported in an application?

There is no limit to the number of facilities provided in an application.

16. Are letters of support required for CMP applications?

Yes, a non-nursing home applicant should include letter(s) of support from all participating nursing home(s) demonstrating that they are requesting the proposed project and are committed to participating.

17. Can CMP funds be used to fund State salaries or the Ombudsman Program?

Entities cannot be paid by a State or Federal source to perform the same function as the CMP project(s) or use(s). CMP funds may not be used to enlarge or enhance an existing appropriation or statutory purpose that is substantially the same as the intended project(s) or use(s). Therefore, States cannot use CMP funds to support ombudsmen's salaries. States can only use CMP funds for personnel to administer and monitor projects using CMP funds. For more information, please see 42 CFR 488.433 and S&C Memo 12-13-NH (Use of Federally Imposed Civil Money Penalty (CMP) Funds by States | CMS).

18. Can Continuing Education be requested in CMP reinvestment applications?

Yes, continuing education may be requested. Applications will be reviewed to ensure that the request is not excessive in nature and are applicable to the work to be performed.

19. Can CMP funds be used to pay for other types of salaries?

The CMP funds can be applied to contractors or educators paid to implement the proposed project but are not intended or allowed to cover or take the place of facility staff salaries.

20. What should applicants understand about CMP Coronavirus Disease communicative technology (CT) funding requests?

CT funding requests (e.g., iPads, electronic tablets, accessories) are prohibited through the standard CMP application. Applicants must request this application through the Pennsylvania State CMP contact (RA-PWCMPGRANTS@pa.gov)

21. What should applicants understand about CMP Coronavirus Disease visitation aid (VA) funding requests?

VA funding requests should not be made through the standard CMP application. Applicants must request this application and FAQ through their State CMP contact (RA-PWCMPGRANTS@pa.gov). Funding requests may be submitted through the VA Application for items such as tents, other shelter for outdoor visitation (purchase and/or rental), clear dividers (e.g., Plexiglas or similar product) to create a physical barrier to reduce the risk of transmission during in-person visits), indoor portable fans, and indoor portable air purifiers with high-efficiency particulate air (HEPA, H-13 or -14) filters that facilitate safer visitation practices.

22. Are there prohibited uses of CMP funds on CMP applications?

Yes, CMP funds may not be used for uses prohibited by law, regulation, or CMS policy and are cited in the Non-Allowable Uses document. Civil Money Penalty Reinvestment Program | CMS

23. What are common issues noted on CMP reinvestment applications that require revisions?

• Lacks quantifiable target goals or objectives to measure the project against. Clear targets are necessary to evaluate the requested use of CMP funds and determine whether the project was successful.

• Travel expenses not broken down or aligned with generally accepted rates such as those of the State or Federal government.

• Budget not itemized.

• No evidence that nursing homes are requesting the training/project and are committed to participating, such as letter(s) of support (non-nursing home applicants). Without this evidence, there is no guarantee that residents will directly benefit from the requested use of CMP funds.

• For CMP reinvestment extension projects, no letter or email from the SA that articulates whether the previous applicant met project goals and objectives and whether the SA recommends expanding the project to additional nursing homes.

• Amount of CMP funding requested is unclear. The applicant provides conflicting amounts within the application and the accompanying budget file (Excel).

• Conflicting project timelines. The tabular budget lists the project as one timeframe and the budget narrative indicate a different timeframe.

• Potential duplication of indirect costs and administrative costs. For example, the vendor applicant requests rent, security, and/or utilities. Typically, these expenses are included in general indirect costs. However, the applicant requests an additional administrative cost without further clarification. It is impossible to determine whether the amounts listed are duplicative.

• Funds to promote and disseminate project findings. This includes attending conferences, drafting peer reviewed articles, or building websites and social media platforms, etc.

• Charging an individual, facility or other entity for services, products, or training funded by CMP reinvestment. For example, an applicant requests funds for a venue, speakers, audio-visual support, and meeting materials and charges individuals for attendance.

• Certified nursing assistant (CNA) training. Due to existing Federal funding sources, CMP funds cannot be used to pay for CNA training, certification testing, test tracking systems, or any other associated expenses.

24. Will CMS accept workforce applications for CMP funding?

CMS will be launching a national campaign to increase the nursing workforce in nursing homes. More information on this campaign will be released in the future, and there will

be opportunities for states to partner with CMS on this program. To avoid duplication, CMS will no longer accept Workforce applications for CMP funding.

Workforce application announcement : [Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting (CMS 3442-P) | CMS](#)

25. What is the State's role in the CMP application process?

The State is required to solicit and review CMP applications thoroughly prior to submitting to CMS. States should not submit CMP applications for review to CMS, if they do not meet State and CMS requirements. During their application review process, States should ensure there are no unallowable uses of CMP reinvestment funds contained in the application. If the State has any concerns with an application, the State shall coordinate revisions with the applicant. States can deny an application without CMS review but cannot approve an application without CMS review.

26.What occurs when a State submits an application, but the review team finds deficiencies or missing information?

The CMPRP Team will review all applications submitted by the CMS Locations for completeness and reasonableness as well as to ensure that no unallowable expenses have been included. If any deficiencies are identified or it is determined that more information is needed, the CMPRP Team will begin the corrective action process and send a notification email to the State point of contact (POC). The corrective action email will contain the CMP application issue(s), which describes the application's deficiencies or missing information needed to complete the review. With the first corrective action email, the State is required to respond with an updated application within ten (10) calendar days. If the revised application contains deficiencies that require clarification, or if it is missing information, the CMPRP Team will send a second corrective action email to the State POC, and the State will have ten (10) calendar days to respond. If the team does not hear back from the State POC within the 10-day period allowed for a corrective action, the team will send a reminder email and the State will have five (5) days to respond to the reminder. If there is not a response within these five (5) days, the application will be closed by the CMPRP Team as a final packet with issues and recommended for denial.

27. When the CMPRP Team sends an email to the State requesting clarification or revision of a CMP reinvestment application (e.g., a corrective action email), is it acceptable for the State or the applicant to respond in the body of an email?

No, responses in the body of the email indicating revised application language and/or budget items, do not constitute a proper response. These should be captured in a revised application and Excel budget file and the documents emailed as attachments. Applicants will have up to two opportunities to correct areas identified in the review of CMP applications.

28. How long will the application CMS review process take?

The CMPRP Team will review the application and respond to the CMS Location within 40 calendar days of original receipt if none or one round of correction is required, or within 60 calendar days if two rounds of correction are required assuming that the State/applicant meets the required response time.

No Corrective Action Required: If the application does not require a corrective action, the State will generally receive a final approval decision from the CMS Location within 45 calendar days.

Corrective Action Required:

• CMP applicants have two (2) attempts to provide all required corrections. Failure to provide the requested information will result in the application not being considered for approval.

• If the application requires corrective action, the CMPRP Team will reach out to the State within 15 calendar days of receiving the application to request changes to the application or budget or additional information

• The State will have ten (10) calendar days to provide the requested information. Revisions should be made, and the updated application and budget should be submitted to the CMPRP Team for review. Responding via email, without attaching a revised application and budget Excel file will not constitute a response to the corrective action. Incomplete applications will be returned to the applicant. Please note any questions regarding the status of a CMP funds application should contact the SA contact at RA-PWCMPGRANTS@pa.gov.

29. What happens if the State POC does not provide the requested information by the established deadline?

If the State POC does not respond to the corrective action emails within the given timeframe, the CMPRP Team will notify the appropriate CMS Location that the application has outstanding issues, and the CMS Location may deny the application. An application can be placed on hold at the request of CMS or the SA. During this time, additional information is being gathered or there are current policy/guidance discussions occurring. The application review period will be extended by the number of days that the application was on hold.

30. Can a CMP application be resubmitted?

No, a CMP application that has previously been reviewed and denied may not be resubmitted.

31. Who makes the final decision to approve or deny an application to use CMP funds?

CMS Location makes the final decision to approve or deny a CMP application.

32. If a change in ownership occurs after CMP funds are granted or during the course of the project, what is my responsibility?

The organization or nursing home which requests CMP funding is accountable for all CMP funds granted. If a change in ownership occurs after CMP funds are granted or during the project, the primary applicant should notify the SA regarding the change in ownership and its impact on the CMP reinvestment award. The applicant also needs to provide a signed attestation confirming the change of ownership to the SA.

33. Does CMS endorse or recommend any vendors or products?

No, CMS does not endorse or recommend any vendors or products.

34. Does the CMPRP Team engage in direct discussion with applicants or potential applicants?

No, the CMPRP Team does not engage in direct discussions with applicants or potential applicants. Applicants may contact the CMP liaison/SA (RA-PWCMPGRANTS@pa.gov) with questions regarding their CMP application.

35.Does the CMPRP Team monitor CMP projects that have been approved and funded?

No, the CMPRP Team does not monitor CMP projects. Monitoring and oversight (i.e., receiving and evaluating progress reports, monitoring, and tracking the use of CMP funds) of CMP projects (including multi-year projects) is the responsibility of the SA, with oversight by the CMS Location. In order to maintain compliance with 42 CFR 488.433, at a minimum, SAs will make information about the use of CMP funds publicly available, including the dollar amount awarded, the amount of funds expended during the relevant calendar year, funding recipients, project dates, project summary, and results of the project. The submitted metrics and outcomes will be published annually in the State CMP Reinvestment Project Funded by Calendar Year publication on the CMP website.

36. Can CMP funds be used for travel expenses that is related to the implementation of a CMP project?

Yes, travel costs are permitted when it is required to implement the project and must not exceed the maximum funding per category. Travel expenses must be reasonable. Examples of reasonable rates include but are not limited to the published U.S. government allowance rates (available from the www.gsa.gov website) for mileage and per diem, and standard commercial rates for airfare. Nursing Home's staff are not able to apply for travel costs. Travel for state staff will be evaluated with each application.

37. Can CMP funds be used for projects addressing mental health and substance use?

CMS is committed to improving the quality of care for residents with underlying serious mental illness (SMI) and/or substance use disorder (SUD). CMS has partnered with Substance Abuse and Mental Health Services Administration (SAMHSA) to launch a national Center of Excellence, which provides technical support and training to nursing homes to help care for individuals with SMI and/or SUD. Nursing homes are encouraged to pursue accessing SAMHSA's training and technical assistance. To avoid duplicative funding, CMS will not accept applications for similar projects. We note dementia care may continue to be funded as it does not fall under this initiative. To obtain information and access to this program, visit www.nursinghomebehavioralhealth.org

38. Are applicants applying for training projects limited to the list of training topics in the Allowable Uses of CMP Funds?

No, applicants applying for training projects are not limited to the pre-defined list topics and may apply for various other training topics. Contact your State CMPRP Liaison for additional information or questions (RA-PWCMPGRANTS@pa.gov).

39.How can a stakeholder interested in applying for CMP funds submit an application?

All stakeholders interested in applying for CMP funds should review the information in this memorandum, all attachments, and the CMPRP website. All fields on the application must be complete (or state "not applicable"), and the application must be signed and dated before submission. During the CMPRP review process, applicants will have two (2) attempts to provide all required corrections. Failure to provide the requested information will result in the application not being considered for approval.

40. How are applications that were submitted prior to the CMPRP Revisions process and placed on hold (that have not received approval, denial, or any other feedback) being processed?

If you have previously submitted an application for CMP funds and have not received approval, denial, or any other feedback, you should take one of the following actions after reviewing the information included in the 2023 CMPRP Revisions memorandum and all of its attachments:

1. If you believe your original application still meets ALL the new criteria for CMP funding, you may resubmit your application with no changes to the proposed project to the State CMPRP Liaison (RA-PWCMPGRANTS@pa.gov).

2. If your original application does not meet **ALL** the new criteria for CMP funding, you may revise your application to meet the criteria, and resubmit your application.

3. If your original application does not meet ALL the new criteria for CMP funding and cannot be revised to meet the criteria (e.g., the original application was for a

project that is now listed as non-allowable), do not resubmit an application for CMP funding.

CMP Resources:

- Civil Money Penalty Reinvestment Program | CMS
- Pennsylvania State CMP Liaison/SA Contact :
    - RA-PWCMPGrants@pa.gov
- http://www.nursinghomebehavioralhealth.org/
- www.gsa.gov
- Use of Federally Imposed Civil Money Penalty (CMP) Funds by States | CMS
- Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting (CMS 3442-P) | CMS