

PUBLICATION

Paperwork Burden Eased in CMS Voluntary Self-Referral Disclosure Protocol Filings [Ober|Kaler]

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In late December 2014, CMS made a small change to its voluntary Self-Referral Disclosure Protocol (SRDP) to help reduce some of the paperwork burden associated with filing under the SRDP.

Section 6409 of the Affordable Care Act (ACA) required the Secretary of Health and Human Services (HHS) to inform providers and suppliers as to how to disclose actual or potential violations of the Stark Physician Self-Referral Law. Importantly, Section 6409(b) provided HHS with the authority to compromise amounts owed due to a violation of the Stark Law. CMS first issued the SRDP on September 23, 2010.

As originally written, the SRDP required the disclosing party to submit the disclosure electronically along with an original and 1 copy by mail to CMS's Division of Technical Payment and Policy. The December change to the SRDP eliminated the requirement to submit hard copies of the disclosure. Instead, CMS updated the SRDP to require the disclosing party to submit the disclosure and all relevant supporting documentation electronically to 1877SRDP@cms.hhs.gov. Under the new procedure, the signed certification is the only hard copy document that must be physically mailed to CMS. The certification must be signed by the disclosing provider or supplier, or in the case of an entity, its Chief Executive Officer, Chief Financial Officer, or other authorized representative. The certification must state that "to the best of the individual's knowledge and belief, the information provided contains truthful information and is based on a good faith effort to assist CMS in its inquiry and verification of the disclosed matter."

Ober|Kaler's Comments

The recent change to the SRDP, while relatively small, will provide appreciable relief to disclosing parties who no longer have to submit hard copies of their often lengthy disclosure and supporting documents.