

PUBLICATION

CMS Clarifies Streamlined Submission to Self-Referral Disclosure Protocol for Physician Organizations

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In an apparent effort to reduce redundancy, CMS issued an FAQ clarifying a simplified process for submissions to the CMS Voluntary Self-Referral Disclosure Protocol (SRDP) involving financial relationships with physicians who are deemed to "stand in the shoes" of their physician organization.

Under the [revised SRDP process](#) that became effective as of June 1, 2017, CMS requires SRDP participants to utilize very specific forms to provide detailed information regarding the self-disclosure, including the SRDP Disclosure Form identifying information regarding the disclosing party; the Physician Information Form identifying information regarding each physician included in the disclosure; and the Financial Analysis Worksheet identifying the potential overpayment based on a six-year look back period. Notably, the SRDP forms instruct that for each physician included in the disclosure, a disclosing entity must submit a **separate** Physician Information Form providing the details of the financial relationship(s) between the physician(s) and disclosing entity. Given this instruction, in circumstances where the disclosed financial arrangement involved a large physician-owned organization, a disclosing entity seemingly would have been required to submit multiple redundant Physician Information Forms for each physician owner who is deemed to "stand in the shoes" of the organization pursuant to 42 C.F.R. § 411.354(c).

In an FAQ published on CMS's website, CMS clarified that a DHS entity may streamline its SRDP submission to submit a **single** Physician Information Form that details the non-compliant financial arrangement with the physician organization. CMS instructs that the disclosing party should also include a separate listing of physicians identifying the following information for each physician who stood in the shoes of the physician organization during the applicable look back period: (1) the name and NPI of the physician; (2) the period of noncompliance for the physician relative to each non-compliant compensation arrangement disclosed; and (3) any other relevant information unique to the physician (e.g., date the physician became an owner, or left the group).

This FAQ was issued by CMS on October 5, 2017, along with the reissuance of formerly published FAQs with clarifications based on the new SRDP forms and process. A copy of the SRDP FAQs can be accessed [here](#).

Baker Donelson Comments

CMS's willingness to accept a streamlined entry is a welcomed clarification for entities that intend to submit a self-disclosure involving a non-compliant arrangement with a physician organization that has multiple physician owners. This will reduce the length of the submission since redundant Physician Information Forms will not be required where the only reason the physician is included in the disclosure is the noncompliance with his or her physician organization. Notably, this FAQ is limited to circumstances where the "stand in the shoes" provisions apply, and does not, for example, apply to circumstances where a disclosing entity has the same type of non-compliant arrangement with multiple physicians who are unrelated, or not part of a physician organization.