

CMS Issues New SRDP Forms

April 27, 2017 – Dorsey Health Law

by Laura B. Morgan and Grace Fleming

The Centers for Medicare and Medicaid Services (“CMS”) issued new Self-Referral Disclosure Protocol (“SRDP”) forms, and, beginning June 1, 2017, these SRDP forms will be mandatory for those parties submitting voluntary self-disclosures of actual or potential violations of the federal physician self-referral law (the “Stark Law”) through the SRDP. The Patient Protection and Affordable Care Act established the SRDP, giving providers and suppliers that may have received an overpayment as a result of actual or potential violations of the Stark Law the opportunity to facilitate the resolution of these violations with CMS. The SRDP forms are intended to streamline and standardize the SRDP submission process.

Parties making disclosures under the SRDP will now be required to submit: (1) the SRDP Disclosure Form, providing information about the disclosing party including the history of abuse, pervasiveness of noncompliance, and steps to prevent future noncompliance; (2) the Physician Information Form(s), providing details of the noncompliant financial relationship(s) between the physician(s) and the disclosing party; (3) the Financial Analysis Worksheet, quantifying the overpayment; and (4) a certification signed by the disclosing party stating that the information provided is truthful and based on a good faith effort to bring the matter to the attention of CMS. Submissions to the SRDP involving solely a failure by a physician-owned hospital to disclose physician ownership on any public website or in any public advertisement must continue to follow special instructions from CMS available on the SRDP website.

Although this is the first time CMS has mandated prescribed forms, much of the information now required for SRDP submissions is not significantly different from information previously required for such submissions. One of the differences is the new requirement that the disclosing party disclose the pervasiveness of Stark violations, illustrating how common the disclosed noncompliance was in comparison to similar relationships between the disclosing party and physicians. Some hope the specific forms will allow for faster resolutions of actual or potential Stark Law violations, but that remains to be seen.

Related Capabilities

- Healthcare & Life Sciences
- Healthcare Transactions & Regulations
- Healthcare Litigation
- Medical Devices

