

## CHILDREN'S HOSPITALS GRADUATE MEDICAL EDUCATION PAYMENT PROGRAM

### Annual Report Form HRSA 100-4

Name of Applicant:

City, State:

Medicare Provider Number:

FFY in which Applying for CHGME PP Funding:                      FFY

**Certifying Official:** A Certifying Official is the individual selected and empowered by the applicant hospital to certify the legitimacy of the application for funds under the Children's Hospitals Graduate Medical Education Payment Program (CHGME PP). This Certification Statement includes the minimum standards to which the applicant must comply for participation in the CHGME Payment Program. Read these statements carefully. By signing the Certification Statement, the applicant hospital agrees to adhere to all the conditions listed and is aware that the applicant hospital may be denied eligibility or terminated from the program if any conditions are violated. The Certification Statement must contain an original signature. Faxed or photocopied signatures will not be accepted.

#### CERTIFICATION STATEMENT

I certify that I have examined the accompanying electronically or manually filed CHGME Payment Program Annual Report and that, to the best of my knowledge and belief, all information on the Fiscal Year \_\_\_\_\_ Annual Report application provided by \_\_\_\_\_ (Hospital Name) is accurate and complete

If I become aware that any information in this form is not complete or accurate, I will notify the CHGME Payment Program within 30 days. Additionally, I will provide any additional information required by the CHGME payment program within 30 days of notification or be subject to a 25% reduction in payment.

*<sup>(1)</sup> If the institution has not met the specific requirements of the attached laws, attach an explanation on plain white paper.*

Name of Certifying Official:

Title of Certifying Official:

Telephone Number:

Email Address of Certifying Official:

Signature:

Signature Date (MM/DD/YYYY):

### **Penalties for Failing to Provide Information for the CHGME Payment Program Annual Report**

Public Law 109-307 Section 2(b)(3)(A) requires a *reduction of 25 percent in annual CHGME Payment Program Payments* if a hospital fails to provide the required annual report or if the report fails to provide the information required. Before imposing a reduction, a notice and an opportunity to provide the information within 30 days of the date of the notice will be provided.<sup>1/</sup>

1/ Statutory Citation: Public Law 109-307 Section 2(b)(2)

## **Penalties for Falsifying Information on the CHGME Payment Program Application**

Among the penalties for falsifying information on the CHGME PP application are the following:

1. 18 U.S.C. § 1001 authorizes criminal penalties against an individual who in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry. Individual offenders are subject to fines of up to \$250,000 and imprisonment for up to five years. Offenders that are organizations are subject to fines of up to \$500,000. 18 U.S.C. § 3571. Section 3571(d) also authorizes fines of up to twice the gross gain derived by the offender if it is greater than the amount specifically authorized by the sentencing statute.

2. The Civil False Claims Act, 31 U.S.C. § 3729 imposes civil liability, in part, on any person who:

- a.) knowingly presents, or causes to be presented, to an officer or an employee of the United States Government a false or fraudulent claim for payment or approval;
- b.) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Government; or
- c.) conspires to defraud the Government by getting a false or fraudulent claim allowed or paid.

The Act imposes a civil penalty of \$5,000 to \$10,000 per violation, plus 3 times the amount of damages sustained by the Government.

3. The government may assert common law claims such as "common law fraud," "money paid by mistake," and "unjust enrichment." Remedies include compensatory and punitive damages, restitution and recovery of the amount of the unjust profit.

## ASSURANCES, CERTIFICATIONS AND OTHER REQUIREMENTS

- A. **Civil Rights:** Before an award is made, the applicant organization must have submitted, and had accepted by the DHHS Office for Civil Rights, an Assurance of Compliance Form HHS 690 in accordance with Title VI of the Civil Rights Act of 1964, Public Law 88-352. Pertinent DHHS regulations are found in 45 CFR Part 80. This provides that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from DHHS.
- B. **Individuals with Disabilities:** Before an award is made, the applicant organization must have submitted, and had accepted by the DHHS Office for Civil Rights, an Assurance of Compliance Form HHS 690, in accordance with Sec. 504 of the Rehabilitation Act of 1973, Public Law 93-112, as amended (29 USC 794). This provides that no handicapped individual shall, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Pertinent DHHS regulations are found in 45 CFR Part 84.
- C. **Age Discrimination:** In accordance with Title III of the Age Discrimination Act of 1975, as amended, Public Law 94-135, 45 CFR Part 91, attention is called to the general rule that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefit of, or be subjected to, discrimination under any program or activity receiving Federal financial assistance. The required assurance (Form HHS-690) must be on file with the Office for Civil Rights, Office of the Secretary, HHS, before a grant may be made.
- D. **Sex Discrimination:** Before an award is made, the applicant educational organization must have submitted and had accepted by the DHHS Office for Civil Rights an Assurance of Compliance Form HHS 690 in accordance with Sec. 901 of Title IX of the Education Amendments of 1972, Public Law 92-318, as amended, which provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Pertinent DHHS regulations are found in 45 CFR Part 86.

Specific provisions in Titles VII and VIII of the PHS Act (currently numbered Secs. 794 and 810) prohibit the Secretary, DHHS, from making any grant, contract, loan guarantee, or interest subsidy payment under Title VII or VIII to an entity which does not furnish assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

In accordance with 45 CFR Part 83 of DHHS regulations, no grant, contract, loan guarantee or interest subsidy payment under Titles VII and VIII of the PHS Act shall be made to or for the benefit of any entity unless the entity furnishes assurances satisfactory to the Director, Office for Civil Rights, that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

**Other Discrimination:** Attention is called to the requirements of Sec. 401 of the Health Programs Extension Act of 1973, Public Law 93-45, as amended (42 USC 300a-7), which provides that no entity which receives any grant, contract, loan, loan guarantee, or interest subsidy under the PHS Act may deny admission or otherwise discriminate against any applicant

(including applicants for internships and residencies) for training or study because of the applicant's reluctance or willingness to counsel, suggest, recommend, assist, or in any way participate in the performance of abortions or sterilizations contrary to, or consistent with, the applicant's religious beliefs or moral convictions.

- E. **Drug Free Workplace Act of 1988, Title V, Subtitle D of Public Law 100-690:** The applicant institution must comply with the requirements of 45 CFR Part 76, Subpart F, which require certification that grantees will provide and maintain a drug-free workplace.
- F. **Certification Regarding Lobbying and Disclosure of Lobbying Activities:** Each person shall file a certification, and a disclosure form, if required, with each submission that initiates agency consideration of such person for award of a Federal contract, grant, loan, or cooperative agreement award action exceeding \$100,000. Government-wide guidance for restrictions on lobbying was published by the Office of Management and Budget in the Federal Register, 54 FR 52306, December 20, 1989. Pertinent DHHS regulations are found in 45 CFR Part 93. See also authority under Sec. 319, Public Law 101-121, as amended (31 USC 1352).
- G. **Misconduct in Science:** Each institution which applies for or receives assistance under a research, research-training, or research-related grant or cooperative agreement under the PHS Act must submit an annual assurance (Form PHS 6349) certifying that the institution has established administrative policies as required by the Final Rule (42 CFR Part 50, Subpart A), and that it will comply with those policies and the requirements of the Final Rule as published in the Federal Register at 54 FR 32449, August 8, 1989.
- As of January 1, 1990, Notice of Grant awards for grants and cooperative agreements involving research may be issued only to institutions that have filed with the Office of Research Integrity (ORI), acceptable assurances for dealing with and reporting possible misconduct in science. The respective Grants Management Offices will determine the status of an institution by contacting ORI.
- H. **Debarment and Suspension:** The applicant organization must certify, among other things, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency. Subawardees, that is, other corporations, partnerships, or other legal entities (called "lower tier" participants), must make the same certification to the applicant organization concerning their covered transactions. Pertinent DHHS regulations are found in 45 CFR Part 76 and refer to Executive Order 12549 which provides that, to the extent permitted by law, executive departments and agencies shall participate in a government-wide system for nonprocurement debarment and suspension.
- I. **Statement of Non-Delinquency on Federal Debt:** The question applies only to the person or institution requesting financial assistance, and does not apply to the person who signs an application form as the authorized representative of an institution or on behalf of another person who actually receives the funds.

Examples of Federal Debt include delinquent taxes, audit disallowances, guaranteed or direct student loans, FHA loans, and other miscellaneous administrative debts. For purposes of this statement, the following definitions apply:

- For direct loans, a debt more than 31 days past due on a scheduled payment.
- For agents, recipients of a “Notice of Grants Cost Disallowance” who have not repaid the disallowed amount or who have not resolved the disallowance.
- For guaranteed and insured loans, recipients of a loan guaranteed by the Federal Government that the Federal Government has repurchased from a lender because the borrower breached the loan agreement and is in default.

- J. **Drug-Free Schools and Campuses:** The Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, Sec. 22, which added Sec. 1213 to the Higher Education Act, require that any public or private institution of higher education (including independent hospitals conducting training programs for health care personnel), State educational agency, or local educational agency receiving Federal financial assistance must certify to the Secretary of Education, as a condition for funding, that it has adopted and implemented a drug prevention program as described in regulations at 34 CFR Part 86, (55 FR 33581), August 16, 1990, as amended at 61 FR 66225, December 17, 1996. The provisions of the regulations also apply to sub-grantees which received Federal funds from any Federal grantee regardless of whether or not the primary grantee is an institution of higher education, State educational agency, or local educational agency.
- K. **Smoke-Free Workplace:** The Public Health Service strongly encourages all grant and cooperative agreement recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. Title X, Part C of Public Law 103-227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

## RELEASE OF INFORMATION

- A. **General Public Information:** DHHS makes available routinely to interested persons a report listing grants awarded. Information made available includes the title of the project, grantee institution, project director, and the amount of the award.

The Freedom of Information Act (5 USC 552) and the associated Freedom of Information Regulations of DHHS (45 CFR Part 5) require the release of certain information about grants upon request. Release does not depend upon the intended use of the information.

Generally available for release upon request are all funded grant applications; progress reports of grantees; and final reports of any review or evaluation of grantee performance conducted or caused to be conducted by the Department. Release is subject to deletion of material that would affect patent or other valuable rights.

- B. **Information Available to the Project Director:** The Privacy Act of 1974 (5 USC 552a) and the associated Privacy Act Regulations (45 CFR part 5b) give individuals the right of access, upon request, to information in the records concerning themselves. The Act provides a mechanism for correction or amendment of such information. It also provides for the protection of information pertaining to an individual, but it does not prevent disclosure if release of such information is required under the Freedom of Information Act. If a Privacy Act system of records applies, the name and number of the system will be identified.

If applicable, the Privacy Act requires that a Federal agency requesting information from an individual advise the individual of the agency's authority to make the request; whether compliance with the request is voluntary or mandatory; how and why the information will be used both inside and outside the agency; and what the consequences are for the individual of failing to provide all or any part of the requested information.

The DHHS requests the information described in these instructions under authority of the PHS Act as amended (42 USC 289a-1). Although provision of the information requested is entirely voluntary, it is necessary for making grant award decisions. A lack of sufficient information may hinder DHHS's ability to review applications. This information will be used with the DHHS and may be disclosed outside the Department as permitted by the Privacy Act under the applicable system of records.

- C. **Government Use of Information:** In addition to being used in evaluating applications, other routine uses of information can include disclosures to the public as required by the Freedom of Information Act; to the Congress; to the National Archives and Records Service; to the Bureau of the Census; to law enforcement agencies upon their request; to the General Accounting Office; and under court order. It may also be disclosed outside of the Department if necessary for the following purposes.
1. To the cognizant audit agency for auditing;
  2. To the Department of Justice as required for litigation;
  3. To respond to an inquiry from a Congressional office about the record of an individual made at the request of that individual;

4. To qualified experts not within the definition of Department employees as prescribed in Department regulations (45 CFR Part 5b.2, Purpose and Scope) for opinion as a part of the application review process;
5. To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter;
6. To individuals and organizations deemed qualified by the DHHS to carry out specific research related to the review and award process of the DHHS;
7. To organizations in the private sector with whom DHHS has contracted for the purpose of collating, analyzing, aggregating or otherwise refining records in a system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records; and
8. To the applicant organization in connection with performance or administration under the terms and conditions of the award.