

Crosswalk for PRA Renewal of CMS-10328  
30-Day Notice PRA Package  
Updates to the CMS Voluntary Self-Referral Disclosure Protocol  
OMB No. 0938-1106

Section/Page Number	Subsection	Current Language/Current Format	Updated Language/Updated Format	Reason for Change	Level of Burden/Impact
CMS-10328 – Voluntary Disclosure Protocol, page 3	Instructions, section IV.A.2.b	Note that the physician services exception at § 411.355(a) and the in-office ancillary services exception at § 411.355(b) are available only to a physician practice that qualifies as a group practice under § 411.352.	Note that, <u>if a physician practice consists of two or more physicians and does not qualify as a group practice under § 411.352, the practice may not rely on the exception for</u> physician services <del>exception at § 411.355(a) and/or the exception for</del> in-office ancillary services exception at § 411.355(b) <del>are available only to a physician practice that qualifies as a group practice under § 411.352.</del>	Clarification of the applicability of the exceptions at § 411.355(a) and § 411.355(b) to physician practices.	None
CMS-10328 – Voluntary Disclosure Protocol	SRDP Disclosure Form, section III	For all remaining forms of noncompliance, determine the type(s) of noncompliance being disclosed (i.e., compensation arrangement failing to satisfy an applicable exception at § 411.357, ownership or investment interest failing to satisfy an applicable exception at § 411.356, or the provision of services failing to satisfy an applicable exception at § 411.355), and report the pervasiveness of the noncompliance relative to the disclosing party's similar financial relationships (in the case of compensation arrangements or ownership or investment interests) or similar services furnished (in the case of designated health services that failed to meet an applicable exception at § 411.355). When reporting more than	For all remaining forms of noncompliance, determine the type(s) of noncompliance being disclosed (i.e., compensation arrangement failing to satisfy an applicable exception at § 411.357, ownership or investment interest failing to satisfy an applicable exception at § 411.356, or the provision of services failing to satisfy an applicable exception at § 411.355), and report the pervasiveness of the noncompliance relative to the disclosing party's similar financial relationships (in the case of compensation arrangements or ownership or investment interests) or similar services furnished (in the case of designated health services that failed to meet an applicable exception at § 411.355). When reporting more than one	State explicitly that disclosing parties can provide an estimate of the pervasiveness of noncompliance.	None

		<p>one type of noncompliance, the pervasiveness of the noncompliance may be reported by type of noncompliance or in the aggregate. For disclosures of noncompliant compensation arrangements, do not include arrangements involving nonmonetary compensation or medical staff incidental benefits in the determination of the pervasiveness of the noncompliance, unless the disclosed noncompliance resulted from a failure to comply with § 411.357(k) or § 411.357(m).</p>	<p>type of noncompliance, the pervasiveness of the noncompliance may be reported by type of noncompliance or in the aggregate. For disclosures of noncompliant compensation arrangements, do not include arrangements involving nonmonetary compensation or medical staff incidental benefits in the determination of the pervasiveness of the noncompliance, unless the disclosed noncompliance resulted from a failure to comply with § 411.357(k) or § 411.357(m). <u>The disclosing party may provide a reasonable estimate of the pervasiveness of noncompliance. If relying on estimates, please indicate that estimates were used and explain how the estimates were calculated.</u></p>		
<p><b>Group Practice Information Form Instructions, page 1</b></p>	<p><b>N/A</b></p>	<p><b>The Group Practice Information Form should be completed only by physician practices (referred to herein as practices) that are reporting noncompliance with the physician self-referral law arising from the failure to qualify as a group practice under § 411.352.</b> That is, if a practice sought to qualify as a group practice under § 411.352 in order to use the physician services exception at § 411.355(a) or the in-office ancillary services exception at § 411.355(b), but these exceptions were unavailable to the practice because it failed to meet one or more requirements in § 411.352, the noncompliance should be</p>	<p><b>The Group Practice Information Form should be completed only by physician practices <u>consisting of at least two physicians</u> (referred to herein as practices) that are reporting noncompliance with the physician self-referral law arising from the failure to qualify as a group practice under § 411.352.</b> That is, if a practice sought to qualify as a group practice under § 411.352 in order to use the physician services exception at § 411.355(a) or the in-office ancillary services exception at § 411.355(b), but these exceptions were unavailable to the practice because it failed to meet one or more requirements in</p>	<p>Clarification that the Group Practice Information Form cannot be used by physicians in solo practice.</p>	<p>None</p>

		reported using this form.	§ 411.352, the noncompliance should be reported using this form.		
<b>Group Practice Information Form Instructions, page 1</b>	<b>N/A</b>	N/A – New paragraph is being added to existing instructions.	<u>The Group Practice Form should not be used to report noncompliance arising solely from the failure of an entity to satisfy all the requirements of an applicable exception in § 411.355, including the exception for physician services at § 411.355(a) and the exception for in-office ancillary services at § 411.355(b). For example, a physician practice that qualified as a group practice under § 411.352 but failed to satisfy all the requirements of the in-office ancillary services exception at § 411.355(b) should continue to use the SRDP Disclosure Form and separate Physician Information Forms for each physician in the practice who made prohibited referrals. Likewise, the Group Practice Information Form should not be used by the medical practice of a physician in solo practice to report the failure to satisfy all the requirements of the in-office ancillary services exception at § 411.355(b).</u>	Clarification that the Group Practice Information Form should not be used to report the failure to satisfy an exception in §411.355.	None
<b>Group Practice Information Form, page 2</b>	<b>Section I.A.</b>	<b>§ 411.352(g) Volume or value of referrals &amp; § 411.352(i) Special rule for profit shares and productivity bonuses</b> <ul style="list-style-type: none"> <li>Please describe the specific circumstances of the practice’s failure to satisfy the requirements at § 411.352(g), taking into account the application of the special rule at § 411.352(i).</li> </ul>	<b>§ 411.352(g) Volume or value of referrals &amp; § 411.352(i) Special <del>rule</del> rules for profit shares and productivity bonuses</b> <ul style="list-style-type: none"> <li>Please describe the specific circumstances of the practice’s failure to satisfy the requirements at § 411.352(g), taking into account the application of the special <del>rule</del>-rules at § 411.352(i).</li> </ul>	Correction of the citation to §411.352(i).  Clarification that a party may satisfy the requirement at §411.352(g) by meeting the	None

		<p><i><b>For example:</b> Certain members of the practice received productivity bonuses that took into account referrals for designated health services that were neither personally performed by the physicians nor incident to the physician’s personally performed services.</i></p>	<p><i><b>For example:</b> Certain members of the practice received productivity bonuses that took into account referrals for designated health services that were neither personally performed by the physicians nor incident to the physician’s personally performed services <u>and the productivity bonuses did not meet the conditions of the special rules at § 411.352(i).</u></i></p>	<p>conditions of the special rules at §411.352(i).</p>	
<p><b>Group Practice Information Form, pages 1 through 3.</b></p>	<p><b>Section I.A</b></p>	<p>N/A</p>	<p>The prompt at I.A continues onto several pages. Instructions have been added at the bottom of pages 1 and 2 to alert readers that the prompt continues on the next page. At the end of the prompt on page 3, an instruction has been added noting that the text box for providing a response can be found on page 4.</p>	<p>Instructions to assist parties filling out the form.</p>	<p>None</p>