

MDS Alert

Reader Questions: Think About the Dollar Cost When Giving Cheer

Question: In the past, we have given small gifts to residents during the holidays. Is that still acceptable, and what is the retail value allowed for gifts to Medicare beneficiaries?

Answer: Yes, Medicare providers may give gifts with a retail value equaling \$15 per gift or \$75 annually per beneficiary - as long as the gifts aren't cash or cash-equivalents. Cash or cash-equivalent gifts to these patients may trigger the Civil Monetary Penalties Law (CMPL) because these cash gifts may be looked at as a way to influence beneficiaries.

When the HHS Office of Inspector General updated its Medicare beneficiary gift-giving guidance in 2016, the national watchdog also reminded providers about offering "remunerations" to patients to influence their healthcare decisions.



"Under section 1128A(a)(5) of the Social Security Act (the Act), enacted as part of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), a person who offers or transfers to a Medicare or Medicaid beneficiary any remuneration that the person knows or should know is likely to influence the beneficiary's selection of a particular provider, practitioner, or supplier of Medicare or Medicaid payable items or services may be liable for civil monetary penalties (CMPs) of up to \$10,000 for each wrongful act," OIG reminds.

Best bet: Though OIG doesn't go into detail on what it considers "nominal" other than to offer the aforementioned retail values, providers should use good judgment, avoid giving cash or cash-equivalent gifts, and stick to the approved dollar amounts, compliance experts advise.