

Updated Revisit User Fee Q&A

Q: The President signed an Omnibus Bill on December 26, 2007 and Congress increased the funding for survey and certification. Does this mean that the revisit user fee program is over?

A. Yes and No. The Revisit User Fee authority ended on December 25, 2007. Revisit surveys completed on or after December 26, 2007 are not subject to a Revisit User Fee. However, any revisits occurring between September 19, 2007 (the date of the published final rule) and December 25, 2007 (the last date of the Continuing Resolution) are still subject to a revisit user fee assessment.

Q. Does the signing of the bill mean an immediate halt to the revisit user fee program?

A. No it does not. CMS has the authority to assess a revisit user fee for any revisits conducted between September 19, 2007 (the date of the published final rule) and December 25, 2007 (the last date of the Continuing Resolution) the date prior to the signing of the Omnibus bill by the President. Any revisits conducted during this 14 week period (91 days) will be subject to a revisit user fee.

Q. Why are providers or suppliers receiving revisit user fee assessment notices after December 26, 2007?

A. CMS relies on State survey agencies to provide information into its ASPEN system. Given the normal processing time in the reporting and documentation of revisits by the State survey agencies, CMS expects a difference in the time (e.g., several months) between the completion of the revisit and the finalization and entry of this information into ASPEN and then the issuance of a revisit user fee assessment notice to a provider or supplier. Providers or suppliers who had revisit surveys conducted between September 19, 2007 and December 25, 2007, and have not already received an assessment notice can expect notices in the mail anywhere between present date and the end of the 2008 Fiscal Year.

Q. If the revisit user fee was not part of the final authority and budget for CMS, what is CMS' authority for the continued assessment of revisit user fees?

A. CMS is obligated through rulemaking to publish in the Federal Register notice to the public of the assessment of the revisit user fees. Since the Federal government was operating under a series of Continuing Resolutions, CMS was obligated to publish a proposed rule, final rule, and subsequent interim final rules with comment (IFC). The references for these rules are as follows:

- Proposed and Final Rule: Pub. L. 110-5, H.J.Res.20, §20615(b)(2007), 72 FR 35673 (June 29, 2007), 72 FR 53628 (Sept. 19, 2007). – Authorized continuation until September 30, 2007
- IFC1: Pub. L. 110-92, H. J. Res. 52 §§ 101 & 106(2007), 72 FR 61540 (Oct. 31, 2007). – Authorized continuation until November 16, 2007
- IFC2: Pub. L. 110-16, Division B of HR 3222 amends Pub. L. 110-92, H. J. Res. 52 §§ 101 & 106 (2007), 72 FR 71580 (Dec 18, 2007). – authorized continuation until December 14, 2007
- IFC3: Pub. L. 110-137 amends Pub. L. 110-16 Division B, 73 FR 3405 (Jan. 18, 2008) – Authorized continuation until December 21, 2007
- IFC4: Pub. L. 110-161. – Authorized continuation until December 25, 2007