

the effective date would be unnecessary, as we are not altering our policies or regulatory changes, but rather, we are simply correctly implementing the policies and regulatory changes that we previously proposed, requested comment on, and subsequently finalized. This final rule correcting document is intended solely to ensure that the final rule accurately reflects these policies and regulatory changes. Furthermore, additional notice and comment procedures would be contrary to the public interest because it is in the public's interest to ensure that the final rule accurately reflects our policies and regulatory changes. Therefore, for all of the reasons cited above, we believe we have good cause to waive the notice and

comment and effective date requirements.

I. Correction of Errors

In FR Doc. 2023–22282 of October 11, 2023 (88 FR 70363), we are making the following corrections:

■ 1. On page 70363, second column, lines 5 and 6, the header of the document is corrected to read as follows:

42 CFR Part 402

Office of the Secretary

45 CFR Part 102

■ 2. On page 70372, first column, the fifth full paragraph (Words of Issuance) is corrected to read as follows:

For the reasons set forth in the preamble, the Centers for Medicare &

Medicaid Services amends 42 CFR chapter IV as set forth below:

■ 3. On page 70373, starting in the third column, amendatory instruction 5 and the accompanying regulatory text is corrected to read as follows:

■ 5. Section 102.3 is amended in table 1 by—

■ a. Revising the entries for

“1395y(b)(6)(B)” and

“1395y(b)(7)(B)(i)”; and

■ b. Adding an entry for “1395y(b)(8)(E)(i)” in alphanumerical order.

The revisions and addition read as follows:

§ 102.3 Penalty adjustment and table.

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TABLE 1 TO § 102.3—CIVIL MONETARY PENALTY AUTHORITIES ADMINISTERED BY HHS

U.S.C. section(s)	CFR ¹	HHS agency	Description ²	Date of last penalty, figure or adjustment ³	2022 maximum adjusted penalty (\$)	2023 maximum adjusted penalty ⁴ (\$)
42 U.S.C.:	*	*	*	*	*	*
1395y(b)(6)(B)	42 CFR 402.1(c)(20), 402.105(a).	CMS	Penalty for any entity that knowingly, willfully, and repeatedly fails to complete a claim form relating to the availability of other health benefits in accordance with statute or provides inaccurate information relating to such on the claim form.	2022	3,701	3,988
1395y(b)(7)(B)(i)	42 CFR 402.1(c)(21), 402.105(a).	CMS	Penalty for any entity serving as insurer, third party administrator, or fiduciary for a group health plan that fails to provide information that identifies situations where the group health plan is or was a primary plan to Medicare to the HHS Secretary.	2022	1,325	1,428
1395y(b)(8)(E)(i)	42 CFR 402.1(c)(22), 402.105(b)(2).	CMS	Penalty for any entity serving as insurer, third party administrator, or fiduciary for a non-group health plan that fails to provide information that identifies situations where the group health plan is or was a primary plan to Medicare to the HHS Secretary.	2022	1,325	1,428
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¹ Some HHS components have not promulgated regulations regarding their civil monetary penalty-specific statutory authorities.

² The description is not intended to be a comprehensive explanation of the underlying violation; the statute and corresponding regulation, if applicable, should be consulted.

³ Statutory or Inflation Act Adjustment.

⁴ OMB Memorandum M–16–06, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, published February 24, 2016, guided agencies on initial “catch-up” adjustment requirements, and M–17–11, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, published December 16, 2016; followed by M–18–03, M–19–04, M–20–05, M–21–10, M–22–07, and M–23–05 guided agencies on annual adjustment requirements.

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Elizabeth J. Gramling,

Executive Secretary, Department of Health and Human Services.

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