

§ 182.50

(3) The information described in paragraph (c) of this section must be displayed in a manner that is easily accessible, without barriers, and ensures that the information is accessible:

- (i) Free of charge;
- (ii) Without having to establish a user account or password; and
- (iii) Without having to submit personal identifiable information (PII).

(4) The provider must include all of the following terms on its homepage:

- (i) The provider's name;
- (ii) The term "price";
- (iii) The term "cost";
- (iv) The term "test";
- (v) The term "COVID"; and
- (vi) The term "coronavirus".

(b) *Exception.* A provider of a COVID-19 diagnostic test that does not have its own website must make public the information described in paragraph (c) of this section:

(1) In writing, within two business days upon request; and

(2) On a sign posted prominently at the location where the provider offers a COVID-19 diagnostic test, if such location is accessible to the public.

(c) *Required information.* For purposes of paragraphs (a) and (b) of this section, the provider must make public the following information:

(1) A plain-language description of each COVID-19 diagnostic test that is offered by the provider;

(2) The billing code used for each COVID-19 diagnostic test;

(3) The provider's cash price for each such COVID-19 diagnostic test; and

(4) Any additional information as may be necessary for the public to have certainty of the cash price that applies to each COVID-19 diagnostic test.

Subpart C—Monitoring and Penalties for Noncompliance

§ 182.50 Monitoring and enforcement.

(a) *Monitoring.* (1) CMS may evaluate whether a provider has complied with the requirements under § 182.40.

(2) CMS may use methods to monitor and assess provider compliance with the requirements under this part, including, but not limited to, the following, as appropriate:

(i) CMS' evaluation of complaints made to CMS.

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(ii) CMS review of an individual's or entity's analysis of noncompliance as stated in the complaint.

(iii) CMS review of providers' websites.

(b) *Actions to address provider non-compliance.* If CMS concludes that the provider is noncompliant with one or more of the requirements of § 182.40, CMS may take any of the following actions:

(1) Provide a written warning notice to the provider of the specific violation(s).

(2) Request that the provider submit and comply with a corrective action plan under § 182.60.

(3) Impose a civil monetary penalty on the provider if the provider fails to respond to CMS' request to submit a corrective action plan or to comply with the requirements of a corrective action plan approved by CMS.

§ 182.60 Corrective action plans.

(a) *Violations requiring a corrective action plan.* If CMS determines a provider's noncompliance with the requirements of this part continues after a warning notice, a corrective action plan may be required. A violation may include, but is not limited to, the following:

(1) A provider's failure to make public its cash price information required by § 182.40.

(2) A provider's failure to make public its cash price information in the form and manner required under § 182.40.

(b) *Notice of violation.* CMS may request that a provider submit and comply with a corrective action plan, specified in a notice of violation issued by CMS to a provider.

(c) *Compliance with corrective action plan requests and corrective actions.* (1) A provider required to submit a corrective action plan must do so, in the form and manner, and by the deadline, specified in the notice of violation issued by CMS to the provider, and must comply with the requirements of the corrective action plan approved by CMS.

(2) A provider's corrective action plan must specify elements including, but not limited to: