

Robin Russell Orama
Hospital General Castaner
Carretera 135, km 4.5
Barrio Bartolo, Sector Castañer
Lares, PR 00631

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DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop C5-15-12
Baltimore, Maryland 21244-1850



Center for Medicare

August 22, 2023

Reference Number: 27402022

Unique Case Number (UCN): 2023HPT008

Via Certified Mail

Robin Russell Orama
CEO
Hospital General Castaner
Carretera 135, km 4.5
Barrio Bartolo, Sector Castañer
Lares, PR 00631

RE: Hospital Price Transparency Notice of Imposition of a Civil Monetary Penalty (CMP)

Dear Robin Russell Orama:

The Centers for Medicare & Medicaid Services (CMS) is imposing a civil monetary penalty (CMP) as described in 45 C.F.R. § 180.90. CMS has determined that Hospital General Castaner meets the definition of a hospital specified in 45 C.F.R. § 180.20 and that as of the date of this notice, Hospital General Castaner is noncompliant with the price transparency requirements under Section 2718(e) of the Public Health Service Act, 42 U.S.C. § 300gg-18(e), and 45 C.F.R. Part 180 (<https://www.govinfo.gov/content/pkg/FR-2019-11-27/pdf/2019-24931.pdf>). CMS has determined that your hospital has been noncompliant since at least September 19, 2022.

CMS initially completed a review of Hospital General Castaner's website <https://hgcastaner.com/>, on September 19, 2022. Pursuant to 45 C.F.R. § 180.70(b), CMS issued a Warning Notice dated September 29, 2022. The Warning Notice notified the hospital of the following material violations:

Violations – Comprehensive Machine-Readable File

1. Failure to make public a machine-readable file containing a list of all standard charges for all items and services online as required at 45 C.F.R. §180.40(a) and 45 C.F.R. §180.50(a). Specifically, no online machine-readable file was found.

Violations - Displaying Shoppable Services in a Consumer-Friendly Manner

1. Failure to make available a consumer-friendly list of standard charges for a limited set of shoppable services as provided in 45 C.F.R. § 180.60, as required by 45 C.F.R. § 180.40(b). Specifically, no consumer-friendly list of standard charges was found.

In the September 29, 2022, Warning Notice, CMS explained that Hospital General Castaner “must take action to correct the deficiency or deficiencies identified by CMS within 90 calendar days of this notice” and that failure to comply “may result in further compliance actions as specified in 45 C.F.R. part 180 subpart C.” Hospital General Castaner did not respond to CMS’ Warning Notice.

On March 9, 2023, CMS completed a second review of Hospital General Castaner’s website <https://hgcastaner.com/>. Based upon this review, it was determined that Hospital General Castaner remained in material violation of the requirements under 45 C.F.R. §§ 180.40-180.60 to make public its list of standard charges. On March 10, 2023, CMS issued a Notice of Violation and Request for Corrective Action Plan (CAP) notifying the hospital of the following material violations:

Violations- Comprehensive Machine-Readable File

1. Failure to make public a machine-readable file containing a list of all standard charges for all items and services online as required at 45 C.F.R. §180.40(a) and 45 C.F.R. §180.50(a). Specifically, no online machine-readable file was found.

Violations - Displaying Shoppable Services in a Consumer-Friendly Manner

1. Failure to make available a consumer-friendly list of standard charges for a limited set of shoppable services as provided in 45 C.F.R. § 180.60, as required by 45 C.F.R. § 180.40(b). Specifically, no consumer-friendly list of standard charges was found.

Hospital General Castaner submitted a CAP to CMS on May 12, 2023. The CAP did not specify the corrective actions the hospital would take to address the deficiencies identified by CMS, or the timeframe by which the hospital would complete the corrective action. On May 17, 2023, CMS requested that Hospital General Castaner submit a revised CAP, with the required signature, within 3 business days of the notice, addressing the aforementioned material violations.

Hospital General Castaner did not submit its revised CAP to CMS until May 31, 2023. Despite the untimely submission, CMS reviewed the hospital’s CAP. On June 15, 2023, CMS notified Hospital General Castaner that its CAP was not approved. CMS notified the hospital that its CAP addressed only the missing machine-readable file, but not the missing shoppable consumer-

friendly list. CMS requested that Hospital General Castaner provide a revised CAP within 3 business days of the notice.

On July 25, 2023, still having not received a revised CAP, CMS sent Hospital General Castaner an additional and final request for a revised CAP. CMS requested that the hospital submit its CAP immediately and warned that failure to do so could result in action in accordance with 45 C.F.R. § 180.90(a).

To date, Hospital General Castaner has not responded to CMS's July 25, 2023, request. Accordingly, Hospital General Castaner failed to meet the CAP requests and requirements as described in 45 C.F.R. §180.80(d).

On August 11, 2023, CMS again reviewed Hospital General Castaner's website <https://hgcastaner.com/>. The following material violations were identified:

Violations - Comprehensive Machine-Readable File

1. Failure to make public a machine-readable file containing a list of all standard charges for all items and services as required at 45 CFR §180.40(a). Specifically, items and services as defined at 45 C.F.R. §180.20 such as supplies were not found in the online machine-readable file.
2. Failure to make public a machine-readable file containing a list of all standard charges for all items and services as required at 45 C.F.R. §180.40(a). Specifically, items and services as defined at 45 C.F.R. §180.20 such as room and board were not found in the online machine-readable file.
3. Failure to follow the naming convention specified by CMS, specifically:
<ein>_<hospitalname>_standardcharges.[json|xml|csv]
as required at 45 C.F.R. §180.50(d)(5).

Violations - Displaying Shoppable Services in a Consumer-Friendly Manner

1. Failure to make available a consumer-friendly list of standard charges for a limited set of shoppable services as provided in 45 C.F.R. § 180.60, as required by 45 C.F.R. § 180.40(b). Specifically, no consumer-friendly list of standard charges was found.

Hospital General Castaner continues to be out of compliance with 45 C.F.R. §§ 180.40 – 180.60. Therefore, CMS is imposing the CMP set forth below.

I. Amount of the CMP

Based on the foregoing findings of noncompliance with the requirements for standard hospital charges and displaying shoppable services in a consumer-friendly manner, CMS is imposing a total CMP of \$101,400.00 pursuant to 45 C.F.R. § 180.90. The CMP is calculated as follows:

\$300.00 per day for hospitals with a bed count of 30 or fewer = \$300.00 x (338 days) = \$101,400.00. This CMP is calculated from September 19, 2022, to and including August 22, 2023, the date of this notice.

CMS may issue subsequent notices imposing additional CMPs for continuing violation(s) as described at 45 C.F.R. § 180.90(b)(2)(iv), (f). **CMS may impose additional CMPs until CMS determines your hospital is in full compliance with 45 C.F.R. §§ 180.40 – 180.60 as appropriate. It is suggested that your hospital notify CMS via email at HPTCompliance@cms.hhs.gov when it makes any necessary corrections to be compliant with the relevant sections of 45 C.F.R. §§ 180.40 – 180.60, as indicated above.**

II. Payment of CMP

Pursuant to 45 C.F.R. § 180.90(d), your hospital must pay the CMP in full within 60 calendar days¹ from the date of this notice of imposition of CMP.

If your hospital decides to request a hearing, and a final and binding decision upholds the CMP in whole or in part as described in 45 C.F.R. Part 180, Subpart D, then your hospital must pay the CMP amount that was upheld within 60 calendar days from the date of the final and binding decision, as specified in 45 C.F.R. § 180.90(d)(2). More information regarding Appeal Rights can be found in Section III.

The CMP may be paid by federal ACH wire transfer.

To Pay via Federal ACH Wire Transfer

Subtype/Type Code:	10 00
Amount:	\$101,400.00
Sending Bank Routing Number:	[REDACTED]
ABA Number of Receiving Institution:	[REDACTED]
Receiver Name:	Treasury NYC
Receiving Institution Name:	Federal Reserve Bank of New York
Receiving Institution Address:	33 Liberty Street, New York, NY 10045
Beneficiary Account Number:	[REDACTED]
Beneficiary Name:	Centers for Medicare & Medicaid Services (CMS)
Beneficiary Physical Address:	7500 Security Blvd., Baltimore, MD 21244
CMS Tax ID Number:	[REDACTED]
Credit Gateway Customer Care Number	1-877-815-1206
Re: Unique Case Number (UCN) 2023HPT008 and Hospital Price Transparency CMP	[REDACTED]

¹ Pursuant to 45 C.F.R. § 180.90(d)(3), if the 60th calendar day is a weekend or a Federal holiday, then the timeframe is extended until the end of the next business day.

III. Appeal Rights

Pursuant to 45 C.F.R. Part 180, Subpart D, your hospital may appeal CMS' CMP determination by requesting a hearing before an Administrative Law Judge (ALJ) of the U.S. Department of Health and Human Services' Departmental Appeals Board (DAB). To request a hearing, your hospital must submit its hearing request within 30 calendar days² of the issuance of the notice of imposition of CMP in accordance with the procedures outlined in 45 C.F.R. § 150.401, *et. seq.* The request for a hearing must comply with the requirements described in 45 C.F.R. § 150.407.

The DAB no longer accepts requests for a hearing submitted by U.S. Mail or commercial carrier unless your hospital is unable to file electronically. Otherwise, the hospital must use the DAB's Electronic Filing System ("DAB E-File") located at <https://dab.efile.hhs.gov> within the time frame described above to electronically submit an appeal. Further instructions are located at https://dab.efile.hhs.gov/appeals/to_crd_instructions. The DAB's Civil Remedies Division (CRD) requires all hearing requests to be signed and accompanied by this notice letter from CMS that addresses the action taken and the respective appeal rights. Submitted documents are accepted in Portable Document Format (PDF), image, audio, or video files. All electronic documents must be formatted so that they will print on standard 8.5 x 11 inch paper. The ALJ will consider documents uploaded to the DAB E-File on any day on or before 11:59 p.m. Eastern Time, to have been received on that day. Your hospital must accept electronic service of any appeal-related documents filed by CMS or that the CRD issues on behalf of the ALJ via DAB E-File.

Please contact the CRD at (202) 565-9462 for questions regarding the DAB E-File. If your hospital experiences technical issues with the DAB E-File, please contact the E-File System Support at OSDABImmediateOffice@hhs.gov or at (202) 565-0146 before 4 p.m. Eastern Time. If your hospital is unable to file electronically, your hospital may request a waiver from e-filing by contacting the CRD at (202) 565-9462 and providing an explanation as to why your hospital cannot file electronically.

Should your hospital file an appeal, CMS requests that copies of the appeal documents be emailed to HPTCompliance@cms.hhs.gov and also mailed to the address listed below. Documents or first-class mail replies may be sent to:

Hospital Price Transparency
ATTN: John Pilotte
7500 Security Blvd, Mail Stop C5-15-12
Baltimore, MD 21244-1850

Pursuant to 45 C.F.R. § 180.110, failure to request a hearing in the manner and timeframe described above permits CMS to impose the CMP indicated in this notice and CMS may impose any subsequent penalties pursuant to continuing violations without right of appeal. The hospital

² Pursuant to 45 C.F.R. § 180.110(a), if the 30th calendar day is a weekend or a Federal holiday, then the timeframe is extended until the end of the next business day.

has no right to appeal a penalty to which it has not requested a hearing in accordance with 45 C.F.R. § 150.405, unless the hospital can show good cause, as determined at 45 C.F.R. § 150.405(b), for failing to timely exercise its right to a hearing. If the CMP is upheld, in part, by a final and binding decision as described in 45 C.F.R. Part 180, Subpart D, CMS will issue a modified notice of imposition of CMP to conform to the adjudicated finding as described in 45 C.F.R. § 180.90(b)(3).

IV. Publication of CMP

In accordance with 45 C.F.R. § 180.90(e), CMS will post this notice on a CMS website. If your hospital elects to request a hearing, CMS will indicate in its posting that the CMP is under review. If the CMP is upheld, in whole, by a final and binding decision, CMS will maintain this notice on a CMS website. If the CMP is upheld, in part, by a final and binding decision, CMS will issue a modified CMP notice to conform to the adjudicated finding and post the modified notice publicly on a CMS website. If the CMP is overturned, in full, by a final and binding decision, CMS will remove this notice from the CMS website.

If you have questions, please contact us at HPTCompliance@cms.hhs.gov. We appreciate your prompt attention to this matter.

Sincerely,

**John C.
Pilotte -S**

Digitally signed by John C.
Pilotte -S
Date: 2023.08.22 11:35:07
-04'00'

John Pilotte
Director
Performance-Based Payment Policy Group
Center for Medicare