

**§418.76(f) Standard: Eligible competency evaluation organizations.**

**A hospice aide competency evaluation program as specified in paragraph (c) of this section may be offered by any organization except by a home health agency that, within the previous 2 years:**

- (1) Had been out of compliance with the requirements of §484.80 of this chapter.**
- (2) Permitted an individual that does not meet the definition of a “qualified home health aide” as specified in §484.80(a) of this chapter to furnish home health aide services (with the exception of licensed health professionals and volunteers).**
- (3) Had been subjected to an extended (or partial extended) survey as a result of having been found to have furnished substandard care (or for other reasons at the discretion of CMS or the State).**
- (4) Had been assessed a civil monetary penalty of \$5,000 or more as an intermediate sanction.**
- (5) Had been found by CMS to have compliance deficiencies that endangered the health and safety of the home health agency’s patients and had temporary management appointed to oversee the management of the home health agency.**
- (6) Had all or part of its Medicare payments suspended.**

**(7) Had been found by CMS or the State under any Federal or state law to have:**

- (i) Had its participation in the Medicare program terminated.**
  - (ii) Been assessed a penalty of \$5,000 or more for deficiencies in Federal or State standards for home health agencies.**
  - (iii) Been subjected to a suspension of Medicare payments to which it otherwise would have been entitled.**
  - (iv) Operated under temporary management that was appointed by a governmental authority to oversee the operation of the home health agency and to ensure the health and safety of the home health agency's patients.**
  - (v) Been closed by CMS or the State, or had its patients transferred by the State.**
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