

New Ownership Reporting Requirements for Providers Using the Form CMS-855A

All enrolling and currently enrolled institutional providers using the Medicare Enrollment Application for Institutional Providers [Form CMS-855A](#) must submit information on private equity company (PEC) or real estate investment trust (REIT) ownership¹.

Definitions

The final rule definitions for PEC and REIT:

- PEC: A publicly traded or non-publicly traded company that collects capital investments from individuals or entities (that's, investors) and purchases a direct or indirect ownership share of a provider²
- REIT: Real estate investment trust means a real estate investment trust as defined in [26 U.S.C. 856](#)³

The new definitions go together with new PEC and REIT checkboxes in the revised Form CMS-855A, 2023 version (see below).

¹ Institutional Providers include: Community Mental Health Centers, Comprehensive Outpatient Rehabilitation Facilities, Critical Access Hospitals, End-Stage Renal Disease Facilities, Federally Qualified Health Centers, Histocompatibility Laboratories, Home Health Agencies, Hospices, Hospitals, Indian Health Services Facilities, Organ Procurement Organizations, Outpatient Physical Therapy/Occupational Therapy/Speech-Language Pathology Services, Religious Non-Medical Health Care Institutions, Rural Health Clinics, and Skilled Nursing Facilities.

² The official regulatory definition is, "Private equity company means, for purposes of this subpart only, a publicly traded or non-publicly traded company that collects capital investments from individuals or entities and purchases a direct or indirect ownership share of a provider." See [88 FR 80168](#). The online version of the Code of Federal Regulations will display the definition at [42 CFR 424.502](#) in the near future.

³ The official regulatory definition is, "Real estate investment trust means, for purposes of this subpart only, a real estate investment trust as defined in 26 U.S.C. 856." See 88 FR 80168. The online version of the Code of Federal Regulations will display the definition at 42 CFR 424.502 in the near future.

Revised Form CMS-855A – September 2023 Version

The Office of Management and Budget recently approved a revised Form CMS-855A (09/23 version), to include more ownership information, especially checkboxes for PEC and REIT reporting. You'll find the PEC and REIT checkboxes on page 31 of the revised form.

Your MAC will:

- Start to accept the revised 09/23 version of the form with added checkboxes on November 17, 2023
- Continue to accept the prior 07/11 version of the form through December 17, 2023

If you submit the 07/11 version after December 17, 2023, your MAC will return it to you with a letter to inform you that the form is no longer valid, and you must submit the 09/23 version.

Resources

- Final rule [CMS-6084-F](#): Medicare and Medicaid Programs: Disclosures of Ownership and Additional Disclosable Parties Information for Skilled Nursing Facilities and Nursing Facilities; Medicare Providers' and Suppliers' Disclosure of Private Equity Companies and Real Estate Investment Trusts
- [Medicare Provider Enrollment](#)
- Section 10.2.1.14 of the [Medicare Program Integrity Manual](#), Chapter 10

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