

## **96051.28 Failure to Reimburse Patient and Pay Assessed Penalty**

### **(a)**

Upon determination by the hospital that a patient paid an amount in excess of the amount required under the Act or this chapter, the hospital shall reimburse the patient within 30 calendar days of the hospital's determination, in accordance with Health and Safety Code 127440.

### **(b)**

Upon determination by the Department that the hospital owes reimbursement to the patient pursuant to Health and Safety Code section 127440, payment shall be made to the patient within 30 calendar days if no appeal is filed, or if an appeal is filed, 30 calendar days after all appeal rights have been exhausted.

### **(c)**

A hospital that fails to reimburse the patient by the due date established by subsection (b) is liable for a penalty assessment, paid to the Department, of one thousand dollars (\$1,000) for each calendar day after the due date that the required payment is not made, not to exceed three times the amount of the reimbursement owed to the patient, including interest.

### **(d)**

When the payment is made after the due date indicated in subsection (b), the Department will calculate the accrued penalty pursuant to subsection (c) and will

notify the hospital of the assessed penalty. The notice shall be provided to the designated contact identified by the hospital under section 96051.12.