

96051.23 Penalty Assessment for Violations of Hospital Policy, Posting, and Website Requirements

(a)

Administrative penalties assessed for the following violations shall be calculated under this section: (1) Policies submitted pursuant to Health and Safety Code section 127435 that fail to comply with the Act and this chapter. (2) Hospital posting requirements pursuant to Health and Safety Code section 127410(c)(1), (c)(2), (c)(3), and (c)(4) that fail to comply with the Act and section 96051.10. (3) Website requirements pursuant to Health and Safety Code section 127410(c)(5) that fail to comply with the Act and section 96051.11.

(1)

Policies submitted pursuant to Health and Safety Code section 127435 that fail to comply with the Act and this chapter.

(2)

Hospital posting requirements pursuant to Health and Safety Code section 127410(c)(1), (c)(2), (c)(3), and (c)(4) that fail to comply with the Act and section 96051.10.

(3)

Website requirements pursuant to Health and Safety Code section 127410(c)(5) that fail to comply with the Act and section 96051.11.

(b)

The Department shall determine the penalty for each deficiency by considering the extent of noncompliance with the Act and this chapter. Multiple violations will result in multiple penalties. The categories of noncompliance and corresponding penalties are defined as follows: (1) Major -- The violation deviates from the requirement in a way that negatively impacts patient eligibility for discount payment or charity care programs. The penalty for this category is twenty-five thousand dollars (\$25,000). (2) Moderate -- The violation deviates from the requirement in a way that does not directly impact patient eligibility for discount payment or charity care programs but has the potential to impact a patient's ability to receive discount payment or charity care. The penalty for this category is ten thousand dollars (\$10,000). (3) Minor -- The violation deviates somewhat from the requirement. The requirement functions nearly as intended, but not as well as if all provisions had been met. The penalty for this category is five thousand dollars (\$5,000). (4) There is no penalty for alleged violations that do not affect patient access to, or eligibility for, the hospital's discount payment or charity care programs, provided the hospital takes corrective action as directed by the Department.

(1)

Major -- The violation deviates from the requirement in a way that negatively impacts patient eligibility for discount payment or charity care programs. The penalty for this category is twenty-five thousand dollars (\$25,000).

(2)

Moderate -- The violation deviates from the requirement in a way that does not directly impact patient eligibility for discount payment or charity care programs but has the potential to impact a patient's ability to receive discount payment or charity care. The penalty for this category is ten thousand dollars (\$10,000).

(3)

Minor -- The violation deviates somewhat from the requirement. The requirement functions nearly as intended, but not as well as if all provisions had been met. The penalty for this category is five thousand dollars (\$5,000).

(4)

There is no penalty for alleged violations that do not affect patient access to, or eligibility for, the hospital's discount payment or charity care programs, provided the hospital takes corrective action as directed by the Department.

(c)

Penalties for violations arising out of an investigation resulting from a complaint filed by a patient, as outlined in sections 96051.24, 96051.25, 96051.26, and 96051.27 shall be excluded from this section.