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Title 22@ Social Security

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Division 7@ Health Planning and Facility Construction

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Chapter 9.2@ Hospital Fair Billing Program

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Section 96051.25@ Determining the Base Penalty for Each Investigation Resulting in One or More Violation(s)

96051.25 Determining the Base Penalty for Each Investigation Resulting in One or More Violation(s)

(a)

The base penalty shall be determined for each investigation resulting in one or more violations, as follows: (1) If violation(s) are identified and the patient experienced financial harm, the violation will be assessed a base penalty of twenty-five thousand dollars (\$25,000). (2) If the violation(s) caused no financial harm, the violation will be assessed a base penalty of twelve thousand and five hundred dollars (\$12,500). (3) There is no penalty for alleged violation(s) 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)

If violation(s) are identified and the patient experienced financial harm, the violation will be assessed a base penalty of twenty-five thousand dollars (\$25,000).

(2)

If the violation(s) caused no financial harm, the violation will be assessed a base penalty of twelve thousand and five hundred dollars (\$12,500).

(3)

There is no penalty for alleged violation(s) 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.

(b)

"Financial harm" means out-of-pocket medical costs paid by a patient, or in the case of a minor, the parent or guardian of the minor, over the adjusted discount payment or charity care amount owed, or if medical debt appeared on the patient's credit report, or in the case of a minor, the credit report of the parent or guardian of the minor.