

304.99-123 Penalties for noncompliance with KRS 304.17A-700 to 304.17A-730 and KRS 205.593, 304.14-135, 304.99-123, and other statutes.

- (1) In addition to any other penalty or remedy authorized by law, the department may assess the following fines for noncompliance with KRS 304.17A-700 to 304.17A-730 and KRS 205.593, 304.14-135, and 304.99-123:
 - (a) A fine of one thousand dollars (\$1,000) per day or ten percent (10%) of the unpaid claim amount, whichever is greater, for each day that a clean claim remains unpaid in violation of KRS 304.17A-700 to 304.17A-730 and KRS 205.593, 304.14-135, and 304.99-123; and
 - (b) Except for the late payment of claims under subsection (2) of this section, a fine of up to ten thousand dollars (\$10,000) where the commissioner determines that an insurer has willfully and knowingly violated KRS 304.17A-700 to 304.17A-730 and KRS 205.593, 304.14-135, and 304.99-123 or has a pattern of repeated violations of KRS 304.17A-700 to 304.17A-730 and KRS 205.593, 304.14-135, and 304.99-123.
- (2) For purposes of subsection (1)(a) and (3) of this section, an insurer is in compliance when:
 - (a) Ninety-five percent (95%) of the clean claims received by the insurer, its agent, or designee during each calendar quarter, excluding pharmaceutical claims, were adjudicated within the claims payment timeframes in accordance with KRS 304.17A-702; and
 - (b) At least ninety percent (90%) of the total dollar amount for clean claims received by the insurer, its agent, or designee during each calendar quarter, excluding pharmaceutical claims, that were not denied or contested, was paid within the claims payment timeframes established in KRS 304.17A-702.
- (3) In addition to any other penalty or remedy authorized by law, the department may assess the fines authorized by subsection (1) of this section against any Medicaid managed care organization, as defined in KRS 205.532, for noncompliance with KRS 304.17A-700 to 304.17A-730, 205.593, and 304.14-135 and KRS 205.522, 205.532 to 205.536, and 304.17A-515.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 106, sec. 13, effective July 14, 2018. -- Amended 2010 Ky. Acts ch. 24, sec. 1659, effective July 15, 2010. -- Amended 2002 Ky. Acts ch. 181, sec. 18, effective July 15, 2002. -- Created 2000 Ky. Acts ch. 436, sec. 17, effective July 14, 2000.