

**WAC 182-70-090 Penalties for failure to comply with reporting requirements.** (1) The office may assess fines for failure to comply with the requirements of this chapter including, but not limited to:

- (a) General reporting requirements.
- (b) Health care claim files and data files requirements.
- (c) Health care claim files and data files submission requirements.

The office will not assess fines when the data supplier is working in good faith with the lead organization to comply with the reporting requirements.

(2) Unless the office has approved a waiver or extension, the office may assess a fine for failure to comply with general reporting requirements including, but not limited to, the following occurrences:

- (a) Failure to submit health care claim files or data files for a required line of business; and
- (b) Submitting health information for an excluded line of business.

(3) Unless the office has approved a waiver or extension, the office may assess a fine for failure to comply with health care claim file or data file requirements including, but not limited to, the following occurrences:

- (a) Submitting a health care claim or data file in an unapproved layout;
- (b) Submitting a data element in an unapproved format;
- (c) Submitting a data element with unapproved coding; and
- (d) Failure to submit a required data element.

(4) Unless the office has approved a waiver or extension, the office may assess a fine for failure to comply with health care claim file or data file submission requirements including, but not limited to, the following occurrences:

- (a) Failure to comply with WAC 82-75-050 (Data submission schedule);
- (b) Rejection of a health care claim or data file by the data vendor that is not corrected by the data supplier; and
- (c) Transmitting health care claim or data files using an unapproved process.

(5) Upon the failure to comply with a reporting requirement in this chapter, the office shall first issue a warning notice to a data supplier. The warning notice shall set forth the nature of the failure to comply and offer to provide assistance to the data supplier to correct the failure.

(6) A data supplier that fails to comply with the same reporting requirement in this chapter for which it previously received a warning notice, may be assessed a penalty of two hundred fifty dollars per day, not to exceed a maximum of twenty-five thousand dollars per occurrence. Each failure to comply with a reporting requirement for a reporting period is considered a separate occurrence.

(7) For good cause shown, the office may suspend in whole or in part any fine assessed in accordance with this section.

[WSR 19-24-090, recodified as § 182-70-090, filed 12/3/19, effective 1/1/20. Statutory Authority: Chapter 43.371 RCW. WSR 16-04-068, § 82-75-090, filed 1/29/16, effective 2/29/16.]