

## **IC 27-13-28**

### **Chapter 28. Penalties and Enforcement**

#### **IC 27-13-28-1**

##### **Augmentation of penalty; damages suffered by enrollees or other members of the public**

Sec. 1. The commissioner may augment a penalty imposed under IC 27-13-24-1(b) by an amount equal to the sum that the commissioner calculates to be the damages suffered by enrollees or other members of the public. The commissioner may direct that any penalty imposed under this section be paid to the enrollees or other members of the public damaged by the health maintenance organization.

*As added by P.L.26-1994, SEC.25.*

#### **IC 27-13-28-2**

##### **Conference to determine violations**

Sec. 2. If the commissioner has cause to believe that a violation of this article by a health maintenance organization has occurred or is threatened, the commissioner may give notice to:

- (1) the health maintenance organization; and
- (2) the other persons who appear to be involved in the suspected violation;

to arrange a conference with the alleged violators or their authorized representatives for the purpose of attempting to determine the facts relating to the suspected violation and, if a violation has occurred or is threatened, to determine an adequate and effective means of correcting or preventing the violation.

*As added by P.L.26-1994, SEC.25.*

#### **IC 27-13-28-3**

##### **Procedural requirements**

Sec. 3. Proceedings under section 2 of this chapter are not governed by any formal procedural requirements and may be conducted in a manner the commissioner considers appropriate under the circumstances. However, a conference under section 2 of this chapter may not result in a rule or an order until the requirements of section 2 of this chapter are satisfied, unless the health maintenance organization consents to the rule or order.

*As added by P.L.26-1994, SEC.25.*

#### **IC 27-13-28-4**

##### **Cease and desist orders**

Sec. 4. (a) The commissioner may issue an order directing:

- (1) a health maintenance organization; or
- (2) a representative of a health maintenance organization;

to cease and desist from engaging in any act or practice that violates this article.

(b) Within ten (10) days after a cease and desist order is served under subsection (a), the health maintenance organization or its

representative may request a hearing on the question of whether acts or practices in violation of this article have occurred. The hearing must be conducted under IC 4-21.5.

*As added by P.L.26-1994, SEC.25.*

#### **IC 27-13-28-5**

##### **Injunctive or other relief**

Sec. 5. In the case of a violation of this article, if the commissioner elects not to issue a cease and desist order, or in the event of noncompliance with a cease and desist order issued under section 4 of this chapter, the commissioner may institute a proceeding to obtain injunctive relief or other appropriate relief in the Marion County circuit court.

*As added by P.L.26-1994, SEC.25.*

#### **IC 27-13-28-6**

##### **Failure to comply with net worth requirements; continued operation**

Sec. 6. Notwithstanding any other provision of this article, if a health maintenance organization fails to comply with the net worth requirement of this article, the commissioner may take appropriate action to assure that the continued operation of the health maintenance organization will not be hazardous to the enrollees of the organization.

*As added by P.L.26-1994, SEC.25.*

#### **IC 27-13-28-7**

##### **Investigations on behalf of enrollees or providers not precluded**

Sec. 7. This article does not preclude the department from investigating complaints, grievances, or appeals on behalf of enrollees or providers.

*As added by P.L.69-1998, SEC.11.*