

## **216B.990 Penalties.**

- (1) Any person who, in willful violation of this chapter, operates a health facility or abortion facility without first obtaining a license or continues to operate a health facility or abortion facility after a final decision suspending or revoking a license shall be fined not less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000) for each violation.
- (2) Any person who, in willful violation of this chapter, acquires major medical equipment, establishes a health facility, or obligates a capital expenditure without first obtaining a certificate of need, or after the applicable certificate of need has been withdrawn, shall be fined one percent (1%) of the capital expenditure involved but not less than five hundred dollars (\$500) for each violation.
- (3) Any hospital acting by or through its agents or employees which violates any provision of KRS 216B.400 shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- (4) Any health facility which willfully violates KRS 216B.250 shall be fined one hundred dollars (\$100) per day for failure to post required notices and one hundred dollars (\$100) per instance for willfully failing to provide an itemized statement within the required time frames.
- (5) In addition to the civil penalties established under KRS 216B.306(1) and (4), any person who advertises, solicits boarders, or operates a boarding home without first obtaining a registration as required by KRS 216B.305 and any person who aids or abets the operation of a boarding home that is not registered shall be imprisoned for no more than twelve (12) months.
- (6) Any person or entity establishing, managing, or operating an abortion facility or conducting the business of an abortion facility which otherwise violates any provision of this chapter or any administrative regulation promulgated thereunder regarding abortion facilities shall be subject to revocation or suspension of the license of the abortion facility. In addition, any violation of any provision of this chapter regarding abortion facilities or any administrative regulation related thereto by intent, fraud, deceit, unlawful design, willful and deliberate misrepresentation, or by careless, negligent, or incautious disregard for the statute or administrative regulation, either by persons acting individually or in concert with others, shall constitute a violation and shall be punishable by a fine not to exceed one thousand dollars (\$1,000) for each offense. Each day of continuing violation shall be considered a separate offense. The venue for prosecution of the violation shall be in any county of the state in which the violation, or any portion thereof, occurred.
- (7) Any hospital acting by or through its agents or employees that violates any provision of KRS 216B.150 shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 161, sec. 34, effective July 15, 2010. -- Amended 2004 Ky. Acts ch. 170, sec. 3, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 503, sec. 2, effective July 15, 1998; and ch. 582, sec. 8, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 63, sec. 6, effective July 14, 1992. -- Amended 1990

Ky. Acts ch. 439, sec. 6, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 19, sec. 5, effective July 15, 1986; and ch. 288, sec. 2, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 347, sec. 26, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 135, secs. 25, 26, and 34, effective July 15, 1980.

**Formerly codified, in part,** as KRS 216.990.

**History for former KRS 216.990:** Amended 1980 Ky. Acts ch. 135, sec. 34, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 352, sec. 1(2). -- Amended 1972 Ky. Acts ch. 149, sec. 9. -- Amended 1962 Ky. Acts ch. 112, sec. 9. -- Amended 1960 Ky. Acts ch. 87, sec. 10. -- Amended 1952 Ky. Acts ch. 16, sec. 110. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2094.