

59 (4) Each return shall contain information and be in the form the department prescribes
60 by rule.

61 (5) The assessment as computed in the return is an allowable cost for Medicaid
62 reimbursement purposes.

63 (6) The department may by rule, extend the time for making returns and paying the
64 assessment.

65 (7) Each nursing care facility that fails to pay any assessment required to be paid to the
66 state, within the time required by this part, or that fails to file a return as required by this part,
67 shall pay, in addition to the assessment[;] and penalties [~~and interest~~] as provided in Section
68 26B-3-404.

69 Section 2. Section **26B-3-404** is amended to read:

70 **26B-3-404. Penalties .**

71 [~~(1) The penalty for failure to file a return or pay the assessment due within the time~~
72 ~~prescribed by this part is the greater of \$50, or 1% of the assessment due on the return.]~~

73 [~~(2) For failure to pay within 30 days of a notice of deficiency of assessment required~~
74 ~~to be paid, the penalty is the greater of \$50 or 5% of the assessment due.]~~

75 [~~(3) The penalty for underpayment of the assessment is as follows:]~~

76 [~~(a) If any underpayment of assessment is due to negligence, the penalty is 25% of the~~
77 ~~underpayment.]~~

78 [~~(b) If the underpayment of the assessment is due to intentional disregard of law or~~
79 ~~rule, the penalty is 50% of the underpayment.]~~

80 [~~(4) For intent to evade the assessment, the penalty is 100% of the underpayment.]~~

81 [~~(5) The rate of interest applicable to an underpayment of an assessment under this part~~
82 ~~or an unpaid penalty under this part is 12% annually.]~~

83 (1) The division shall require a nursing care facility that fails to pay an assessment due
84 under this part to pay ~~H~~ to ~~H~~ the division, in addition to the assessment, a penalty determined
84a by the
85 division.

86 [~~(6)~~ (2) The department may waive the imposition of a penalty for good cause.

87 (3) The division shall make rules in accordance with Title 63G, Chapter 3, Utah
88 Administrative Rulemaking Act, prescribing the administration and requirements for this
89 section.