

Liquidated Damages – DADS

If a provider agency's Compliance Plan Score falls below 90 percent for a review period, the provider agency may be subject to the assessment of liquidated damages for each day in the review period the provider agency compliance plan score falls below 90 percent. A day on which this occurs is referred to as a "day below program expectations threshold."

Liquidated damages are assessed at a rate of \$3 per visit verified – Non-Preferred on a day below program expectations threshold. Liquidated damages are subject to a minimum assessment of \$10 to a maximum of \$500 per day below program expectations threshold. An example of calculations is shown in the table below.

| Day | Daily Compliance % ** | # of Non-Preferred Visits | Calculation | Assessed Liquidated Damage |
|---|-----------------------|---------------------------|--------------------------|----------------------------|
| 5/1 | 89% | 2 | $2 \times \$3 = \6 | \$10 |
| 5/6 | 80% | 10 | $10 \times \$3 = \30 | \$30 |
| 6/5 | 75% | 15 | $15 \times \$3 = \45 | \$45 |
| 6/8 | 52% | 198 | $198 \times \$3 = \594 | \$500 |
| Total: | | | | \$585 |
| ** less than 90% is a Day Below Program Expectations Threshold | | | | |