

**304.38A-100 Transfer of risk -- Plan for evaluating provider -- Additional reserves.**

- (1) Any limited health service organization that contracts with a provider or provider organization for the transfer of risk to the provider shall take reasonable steps to ensure the transferee is able to accept and manage the risk to be transferred. The limited health service organization shall submit a plan for evaluating a provider's or provider organization's ability to accept and manage risk to the department for approval at least forty-five (45) days prior to the proposed date of the transfer of any risk.
- (2) If a limited health service organization transfers risk to a provider:
  - (a) Not in compliance with the standards listed in its approved plan; or
  - (b) Prior to filing or receiving approval of its plan,the commissioner may require the limited health service organization to retain additional reserves to cover the risk transferred.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1523, effective July 15, 2010. -- Created 2002 Ky. Acts ch. 105, sec. 19, effective July 15, 2002.