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§19-1402.

(a) If a deficiency exists, the Secretary may impose sanctions that include:

(1) A directed plan of correction with corrective measures necessary to protect residents;

(2) Imposing adequate staffing levels in a nursing home;

(3) Appointing a State monitor subject to § 19-1405 of this subtitle; and

(4) Imposing a civil money penalty.

(b) A civil money penalty may be imposed when a deficiency exists or an ongoing pattern of deficiencies exists in a nursing home.

(c) In determining whether a civil money penalty is to be imposed, the Secretary shall consider, pursuant to guidelines set forth in regulations promulgated by the Secretary, the following factors:

(1) The number, nature, and seriousness of the deficiencies;

(2) The extent to which the deficiency or deficiencies are part of an ongoing pattern during the preceding 24 months;

(3) The degree of risk to the health, life, or safety of the residents of the nursing home caused by the deficiency or deficiencies;

(4) The efforts made by, and the ability of, the nursing home to correct the deficiency or deficiencies; and

(5) A nursing home's prior history of compliance.

(d) Upon determination by the Department that a deficiency or deficiencies exist, the Department shall notify the nursing home that:

(1) Unless corrective action taken pursuant to this section is substantially completed, a civil money penalty will be imposed; or

(2) An order imposing a civil money penalty will be issued, pursuant to § 19-1403 of this subtitle which shall include a list of all deficiencies and notice that a civil money penalty may be imposed until the time that the cited deficiencies have been rectified.

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