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§19–362.

(a) (1) An intermediate sanction may be imposed consistent with this section when a hazardous condition exists in a related institution and that condition is not remedied pursuant to the following sections.

(2) In determining whether a hazardous condition exists, the following factors shall be considered:

(i) The potential impact of the condition on the health, life, or safety of patients;

(ii) The period of time during which the condition has existed;

(iii) The frequency of occurrence of the condition; and

(iv) The efforts made by the related institution to correct the condition.

(3) Upon determination by the Department that a hazardous condition exists, the Department will notify the facility that a hazardous condition exists which may subject the facility to a sanction.

(b) (1) The Department shall order that a plan of correction which is acceptable to the Department be submitted within 10 working days.

(2) The Department shall notify the related institution within 3 working days of receipt of the plan of correction as to whether it is or is not acceptable.

(3) If the Department determines that the plan is not acceptable, the related institution will resubmit a revised plan within 5 working days of such notification.

(4) The Department will schedule reinspections of the facility based on time frames established in the plan of correction.

(c) (1) If the Department determines that an acceptable plan of correction has not been submitted, that the hazardous condition has not been corrected, or that progress satisfactory to the Department has not been accomplished, the Department shall order the facility ownership and appropriate administrative personnel to appear before a representative of the Department.

(2) Following the appearance, or if the facility ownership fails to appear, a decision may be issued which:

(i) Extends the time frame in which the hazardous condition must be corrected; or

(ii) Proposes the imposition of the sanction.

(d) (1) If a sanction is proposed, or if at the end of the extended time frame the hazardous condition has not been corrected, the Secretary may issue a sanction order.

(2) The sanction order shall state the number of days within which the hazardous condition must be corrected and shall require the related institution to establish an escrow account in accordance with § 19-363 of this subtitle.

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