

WHERE--THE--HOSPITAL--CHARGED--WITH--A--VIOLATION--OF--THIS--SECTION HAS--NOT--REQUESTED--A--HEARING,--A--CIVIL--PENALTY--SHALL--BE ASSESSED--AND--IMPOSED--ONLY--AFTER--THE--SECRETARY--OR--HIS DESIGNEE--HAS--DETERMINED--THAT--NONCOMPLIANCE--DID--OCCUR--AND THAT--THE--AMOUNT--OF--THE--PENALTY--IS--WARRANTED.--THE--CIVIL PENALTY--MAY--NOT--EXCEED--\$500--FOR--EACH--DAY--THAT--THE--DEFICIENT CONDITION--CONTINUES--AS--CALCULATED--FROM--THE--DATE--THAT--THE DEPARTMENT--FIRST--NOTIFIED--THE--HOSPITAL--IN--WRITING--OF--THE EXISTENCE--OF--THE--DEFICIENT--CONDITION.

(2)--IN--DETERMINING--WHETHER--OR--NOT--TO--ASSESS--OR IMPOSE--A--CIVIL--PENALTY,--THE--SECRETARY--OR--HIS--DESIGNEE,--SHALL CONSIDER:

(i)--THE--SERIOUSNESS--OF--THE--DEFICIENT CONDITION--IN--TERMS--OF--POTENTIAL--OR--ACTUAL--HAZARD--TO--THE HEALTH,--SAFETY,--AND--WELFARE--OF--HOSPITAL--PATIENTS--OR--OTHERS,

(ii)--THE--HISTORY--OF--VIOLATIONS--AT--THE PARTICULAR--HOSPITAL,

(iii)--THE--WILLFULNESS--OF--THE--VIOLATION,

AND

(iv)--ANY--DEMONSTRATED--GOOD--FAITH--BY--THE HOSPITAL--IN--ATTEMPTING--CORRECTIVE--ACTION.

(3)--THE--CIVIL--PENALTY--IS--PAYABLE--TO--THE--STATE AND--COLLECTIBLE--IN--ANY--MANNER--PROVIDED--AT--LAW--FOR--THE COLLECTION--OF--DEBTS.--IF--ANY--HOSPITAL--LIABLE--TO--PAY--THE PENALTY--NEGLECTS--OR--REFUSES--TO--PAY--IT--AFTER--DEMAND,--THE AMOUNT,--TOGETHER--WITH--ANY--INTEREST--AND--ANY--COSTS--WHICH--MAY ACCRUE,--SHALL--BE--A--LIEN--IN--FAVOR--OF--THE--STATE--UPON--THE PROPERTY,--BOTH--REAL--AND--PERSONAL,--OF--THE--HOSPITAL,--AND--SHALL BE--RECORDED--IN--THE--CLERK--OF--COURT'S--OFFICE--FOR--THE--POLITICAL SUBDIVISION--IN--WHICH--THE--PROPERTY--IS--LOCATED.

(4)--ANY--CIVIL--PENALTY--ASSESSED--AND--IMPOSED--UNDER THIS--SECTION--MAY--NOT--BE--CONSIDERED--AS--AN--ALLOWABLE--COST--FOR PURPOSES--OF--A--RATE--DETERMINATION--BY--THE--HEALTH--SERVICES--COST REVIEW--COMMISSION.--THE--SECRETARY--SHALL--NOTIFY--THE--HEALTH SERVICES--COST--REVIEW--COMMISSION--OF--ALL--FINES.

(5) (C) THE REMEDIES PROVIDED BY THIS SECTION ARE IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE DEPARTMENT AT LAW OR EQUITY.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 19-301(b) through (f) and (g) through (k), respectively, of Article - Health - General, of the Annotated Code of Maryland (as enacted by Chapter \_\_\_\_ (H.B. 200) of the Acts of the General Assembly of 1982) be renumbered to be Section(s) 19-301 (c) through (g) and (i) through (m), respectively.