

any summary of the report, written progress reports, or plans of correction which are submitted to the Secretary are confidential and are not discoverable or admissible as evidence in any civil action.

(3) The Secretary shall refer any request for public inspection of a survey report made by the Joint Commission on Accreditation of Healthcare Organizations for an accredited hospital or accredited residential treatment center directly to the hospital or residential treatment center.

(4) Upon the written request of any person, within 15 working days, the accredited hospital or accredited residential treatment center shall make available for public inspection the most recent accreditation letter and any Type I recommendations if the Joint Commission on Accreditation of Healthcare Organizations has made a final decision on any appeal by the hospital or residential treatment center of the Type I recommendations.

(5) If information is released in accordance with paragraph (4) of this subsection, that information is no longer confidential, but is not discoverable or admissible in any civil action.

(6) An accreditation report, including any summary of the report and any information contained in the report, disclosed by a hospital or residential treatment center, the Joint Commission on the Accreditation of Healthcare Organizations, or the Department is not admissible or discoverable in any civil action.

(7) If an accredited hospital or accredited residential treatment center willfully fails to comply with the provisions of this subsection, the Secretary may impose a penalty not to exceed \$1,000 a day for each day the violation continues.]

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(b) (1) To resolve expeditiously a complaint that alleges the existence of any nonlife-threatening deficiency, the Department may refer the complaint directly to the hospital or residential treatment center.

(2) If appropriate, issues relating to the practice of medicine or the licensure or conduct of a health professional shall be referred to the hospital or the residential treatment center and may be referred to the appropriate licensure board for resolution.

(3) If the Department determines that the hospital or residential treatment center has not satisfactorily addressed the referred complaint or where the complaint alleges the existence of a life-threatening deficiency, the Department shall conduct an independent investigation. [When conducting its independent investigation, the Department shall use:

(i) For an accredited hospital or accredited residential treatment center, the current applicable standards of review of the Joint Commission on Accreditation of Healthcare Organizations;

(ii) For a nonaccredited hospital or nonaccredited residential treatment center, the standards adopted by the Secretary under this subtitle;