

(e) In determining the action to be taken under subsection (d) of this section, the Secretary shall consider the following factors:

- (1) The number, nature, and seriousness of the patient care deficiencies;
- (2) The extent to which the patient care 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 patients of the hospital, [or] residential treatment center, OR HEALTH CARE FACILITY caused by the patient care deficiency or deficiencies;
- (4) The efforts made by, and the ability of, the hospital, [or] residential treatment center, OR HEALTH CARE FACILITY to correct the patient care deficiency or deficiencies through implementation of immediate corrective action; and
- (5) The hospital's, [or] residential treatment center's, OR HEALTH CARE FACILITY'S history of compliance.

(f) The remedies provided by this section are in addition to any other remedies available to the Department at law or equity.

19-3B-03.

(d) [(1) A freestanding ambulatory care facility accredited by an organization approved by the Secretary shall be deemed to meet State licensing requirements.

(2) (i) The freestanding ambulatory care facility shall submit the report of the accreditation organization to the Secretary within 30 days of its receipt.

(ii) All reports submitted under this paragraph shall be available for public inspection.

(3) The Secretary may:

(i) Inspect a freestanding ambulatory care facility for the purpose of a complaint investigation;

(ii) Inspect a freestanding ambulatory care facility to follow up on a serious problem identified in an accreditation report; and

(iii) Annually conduct a survey to validate the findings of accreditation reports.

(4) The Secretary may delegate to the Kidney Disease Commission the Secretary's authority under [paragraph (3) of this subsection] § 19-3B-07 OF THIS SUBTITLE to inspect kidney dialysis centers.

19-404.

(a) The Department shall adopt rules and regulations that set standards for the care, treatment, health, safety, welfare, and comfort of patients of home health agencies.