

(c) If at the expiration of the time set forth in subsection (b)(2) of this section the Department determines a violation has not been corrected, the [Department] SECRETARY may:

- (1) Extend the time frame in which the violation must be corrected; or
- (2) Impose a civil money penalty under subsection (d) of this section.

(d) (1) The [Department] SECRETARY may impose a civil money penalty not to exceed \$5,000 for each violation.

(2) In setting the amount of a civil money penalty under this section, the Department shall consider the following factors:

- (i) The number, nature, and seriousness of the violations;
- (ii) The degree of risk to the health, life, or physical or financial safety of the subscribers caused by the violations;
- (iii) The efforts made by the provider to correct the violations;
- (iv) Whether the amount of the proposed civil money penalty will jeopardize the financial ability of the provider to continue operating; and
- (v) Other factors as justice may require.

(3) If a civil money penalty is imposed under this section, the Department shall issue an order stating:

- (i) The basis on which the order is made;
- (ii) Each regulation or statute violated;
- (iii) Each penalty imposed and the total amount of the civil money penalty imposed; and
- (iv) The manner in which the amount of the civil money penalty was calculated.

(4) (i) The Department shall provide written notice to a provider of the imposition of a civil money penalty.

(ii) The notice shall be served on the provider by certified mail and shall include the order and a statement on how to file an administrative appeal.

(5) If a civil money penalty is imposed under this section, the provider shall have the right to appeal from the order in accordance with Title 10, Subtitle 2 (Administrative Procedure Act) of the State Government Article.

(e) (1) A provider shall pay all penalties to the Department within 10 days after the provider receives a final order imposing a civil money penalty.

(2) An order imposing a civil money penalty is final when the provider has exhausted all opportunities to contest the penalty in accordance with the Administrative Procedure Act.