

(4) The [Department] SECRETARY, ~~OR THE SECRETARY'S DESIGNEE~~, shall consider, for the purpose of reduction of the civil money penalty, such factors as the provider's history of violations, the provider's current and past diligence in correcting violations, and other factors which the [Department] SECRETARY, ~~OR THE SECRETARY'S DESIGNEE~~, considers appropriate.

(5) In granting a provider's request for reduction of a civil money penalty, the [Department] SECRETARY, ~~OR THE SECRETARY'S DESIGNEE~~, shall impose as a condition on reduction of the penalty the correction of all violations.

(6) The [Department] SECRETARY, ~~OR THE SECRETARY'S DESIGNEE~~, shall issue a written determination granting or denying the request for reduction of a civil money penalty stating the reasons for the determination.

(f) (1) The [Department] SECRETARY, ~~OR THE SECRETARY'S DESIGNEE~~, shall provide written notice to the provider of a civil money penalty.

(2) The notice of a civil money penalty shall be served on the provider by certified mail and include a [list] STATEMENT specifying each penalty imposed, the regulation or provision violated, the amount of the penalty, the provider's right to request a reduction[, and the provider's right to contest] OF the penalty under subsection (e) of this section, AND HOW TO FILE AN ADMINISTRATIVE APPEAL OF THE PENALTY.

(3) [(i) A provider may request a hearing before the Secretary regarding the imposition of a civil money penalty.

(ii) The hearing shall be held in accordance with regulations adopted under this article.

(iii) A provider may appeal any decision by the Secretary to the Office of Administrative Hearings] 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 OF THE STATE GOVERNMENT ARTICLE.

(g) The [Department] SECRETARY, ~~OR THE SECRETARY'S DESIGNEE~~, may impose a penalty 3 times the amount set forth in subsection (d) of this section on a provider of congregate housing services if a sanction has been imposed on the provider for the same violation within 2 years prior to issuance of the notice of violation.

(h) (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) The order imposing a civil money penalty is final when the provider has exhausted all opportunities to contest the penalty in accordance with subsection (e) or (f) of this section.

(3) If a provider does not comply with this section, the Department may file a civil action to recover the penalty.