

(K) THE PURPOSE OF THE HEARING IS TO CONSIDER AND RENDER A DECISION ON THE FOLLOWING MATTERS:

(1) THE EXISTENCE OF A HAZARDOUS CONDITION;

(2) IF A HAZARDOUS CONDITION EXISTS, THE AMOUNT OF MONEY TO BE PLACED INTO THE ESCROW ACCOUNT; AND

(3) THE LENGTH OF TIME IN WHICH THE HAZARDOUS CONDITION MUST BE CORRECTED.

(L) THE BURDENS OF PROOF ARE AS FOLLOWS:

(1) THE RELATED INSTITUTION HAS THE BURDEN OF PROOF WITH RESPECT TO ESTABLISHING THE LACK OF THE CITED DEFICIENCY OR DEFICIENCIES; AND

(2) THE SECRETARY HAS THE BURDEN OF PROOF WITH RESPECT TO THE ESTABLISHMENT OF A DEFICIENCY OR DEFICIENCIES AS CONSTITUTING A HAZARDOUS CONDITION.

(M) A DECISION SHALL BE RENDERED BY THE HEARINGS OFFICE WITHIN 7 DAYS OF THE HEARING. THE DECISION SHALL BE THE FINAL AGENCY DECISION OF THE DEPARTMENT, SUBJECT TO APPEAL PURSUANT TO § 19-367 OF THIS PART.

19-365.

(A) ESCROWED FUNDS MAY BE RELEASED BY THE ESCROW AGENT:

(1) IF THE RELATED INSTITUTION CAN PRESENT SPECIFIC BILLS (VOUCHERS) FOR CORRECTING THE HAZARDOUS CONDITION WHICH HAVE BEEN CERTIFIED BY THE SECRETARY AS APPROPRIATE; AND

(2) IN THE ABSENCE OF BILLS OR VOUCHERS, THE RELATED INSTITUTION HAS RECEIVED WRITTEN APPROVAL FROM THE SECRETARY THAT THE EXPENDITURE IS APPROPRIATE FOR CORRECTING THE HAZARDOUS CONDITION.

(B) THE ESCROW IS TERMINATED AND THE BALANCE, IF ANY, IN THE ACCOUNT IS RETURNED TO THE RELATED INSTITUTION WHEN:

(1) THE SECRETARY CERTIFIES THAT THE HAZARDOUS CONDITION IS CORRECTED;

(2) AFTER THE TIME PERIOD SET BY THE SECRETARY, THE SECRETARY CERTIFIES THAT ADEQUATE PROGRESS HAS BEEN MADE TOWARD CORRECTING THE HAZARDOUS CONDITION; OR

(3) THE RELATED INSTITUTION CHANGES OWNERSHIP.

19-366.

(A) IF THE RELATED INSTITUTION FAILS TO ESTABLISH THE ESCROW ACCOUNT AS ORDERED, THE SECRETARY MAY PETITION THE