

APPROPRIATE CIRCUIT COURT TO REQUIRE COMPLIANCE WITH THE SANCTION ORDER.

(B) IF THE HAZARDOUS CONDITION IS NOT CORRECTED OR PROGRESS ACCEPTABLE TO THE SECRETARY IS NOT MADE WITHIN THE TIME FRAME SET BY THE SANCTION ORDER, THE SECRETARY MAY:

(1) PETITION THE APPROPRIATE CIRCUIT COURT TO REQUIRE THE RELATED INSTITUTION TO COMPLY WITH THE SANCTION ORDER; OR

(2) ORDER THE FORFEITURE OF THE ESCROWED FUNDS AND/OR REMOVE ALL PATIENTS AND INITIATE PROCEDURES TO REVOKE THE RELATED INSTITUTION'S LICENSURE IN ACCORDANCE WITH § 19-327 OF THIS ARTICLE.

(C) UPON PETITION TO THE CIRCUIT COURT UNDER SUBSECTION (B)(1), AND FOLLOWING NOTIFICATION TO THE SECRETARY BY THE CIRCUIT COURT THAT THE RELATED INSTITUTION HAS FAILED TO COMPLY WITH A COURT ORDER, THE SECRETARY MAY IMPOSE FURTHER SANCTIONS IN ACCORDANCE WITH SUBSECTION (B)(2). THIS SANCTION IS IN ADDITION TO ALL REMEDIES OTHERWISE AVAILABLE TO THE CIRCUIT COURT FOR ENFORCEMENT OF A COURT ORDER.

19-367.

(A) EITHER PARTY AGGRIEVED BY THE DECISION OF THE HEARINGS OFFICE SHALL HAVE THE RIGHT TO APPEAL THAT DECISION.

(B) A RELATED INSTITUTION SUBJECT TO A SANCTION SHALL HAVE THE RIGHT TO APPEAL A DECISION BY THE SECRETARY THAT THE HAZARDOUS CONDITION HAS NOT BEEN CORRECTED OR THAT INADEQUATE PROGRESS HAS BEEN MADE TOWARD CORRECTING THE HAZARDOUS CONDITION.

(C) SUCH APPEAL SHALL BE FILED WITHIN 30 DAYS OF THE ACTION TO BE APPEALED.

(D) THE APPEAL SHALL BE TAKEN DIRECTLY TO THE CIRCUIT COURT OF THE JURISDICTION IN WHICH THE RELATED INSTITUTION IS LOCATED.

(E) APPEAL TO THE CIRCUIT COURT DOES NOT STAY THE IMPOSITION OF THE SANCTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1984.

Approved May 29, 1984.

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