

IN-THE-SAME-OR-SIMILAR-LOCALITY EXERCISING ORDINARY CARE WOULD USE FOR THE TRANSFER; AND

(iv) [4] THE TRANSFER OF ALL NECESSARY RECORDS FOR CONTINUING THE CARE FOR THE PATIENT.

(2) -- THE -- CONSENT -- OF -- THE -- PATIENT -- OR -- PERSONAL REPRESENTATIVE OF THE PATIENT BEFORE TRANSFER IS NOT REQUIRED.

(B) -- EACH -- HOSPITAL -- SHALL -- ADOPT -- BINDING -- POLICIES -- RELATING -- TO PATIENT -- TRANSFERS -- THAT -- ARE -- CONSISTENT -- WITH -- THE -- REGULATIONS ADOPTED UNDER THIS SECTION.

(C) (1) -- IF A HOSPITAL DOES NOT ADOPT AND ENFORCE A -- PATIENT TRANSFER POLICY IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SECTION, THE FACILITY IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$1,000.

(2) -- EACH -- DAY -- A -- VIOLATION -- CONTINUES -- AND -- EACH -- ACT -- OF VIOLATION IS A SEPARATE OFFENSE.

(3) -- IN DETERMINING THE AMOUNT OF THE PENALTY, THE COURT -- SHALL -- CONSIDER -- THE -- FACILITY'S -- HISTORY -- OF -- PREVIOUS VIOLATIONS, THE SERIOUSNESS OF THE VIOLATION, WHETHER THE HEALTH AND SAFETY OF THE PUBLIC WAS THREATENED BY THE VIOLATION, AND THE DEMONSTRATED GOOD FAITH OF THE FACILITY IN ATTEMPTING TO COMPLY WITH THE REGULATIONS ADOPTED UNDER THIS SECTION.

(B) (1) -- THE DEPARTMENT SHALL ADOPT REGULATIONS PROVIDING FOR PENALTIES FOR HOSPITALS THAT VIOLATE PROVISIONS OF SUBSECTION (A) OF THIS SECTION.

(2) -- A -- PENALTY -- NOT -- EXCEEDING -- \$1,000 -- MAY -- BE -- IMPOSED PER:

(B) EACH HOSPITAL SHALL ADOPT BINDING POLICIES RELATING TO PATIENT TRANSFERS THAT ARE CONSISTENT WITH THE REGULATIONS ADOPTED UNDER THIS SECTION.

(C) (1) IF A HOSPITAL DOES NOT ADOPT AND ENFORCE A PATIENT TRANSFER POLICY IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SECTION, THE FACILITY IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$1,000.

(2) EACH DAY A VIOLATION CONTINUES AND EACH ACT OF VIOLATION IS A SEPARATE OFFENSE.

(3) IN DETERMINING THE AMOUNT OF THE PENALTY, THE COURT SHALL CONSIDER THE FACILITY'S HISTORY OF PREVIOUS VIOLATIONS, THE SERIOUSNESS OF THE VIOLATION, WHETHER THE HEALTH AND SAFETY OF THE PUBLIC WAS THREATENED BY THE VIOLATION, AND THE DEMONSTRATED GOOD FAITH OF THE FACILITY IN ATTEMPTING TO COMPLY WITH THE REGULATIONS ADOPTED UNDER THIS SECTION.