

IS BASED, THE AMOUNT OF CIVIL MONEY PENALTIES TO BE IMPOSED, AND THE MANNER IN WHICH THE AMOUNT OF CIVIL MONEY PENALTIES IMPOSED WAS CALCULATED.

(B) AN ORDER ISSUED PURSUANT TO SUBSECTION (A) OF THIS SECTION SHALL BE VOID UNLESS ISSUED WITHIN 60 DAYS OF THE LATER OF:

- (1) THE INSPECTION AT WHICH THE DEFICIENCY IS IDENTIFIED;
- (2) THE DATE IDENTIFIED IN § 19-1403(A)(2); OR
- (3) THE DATE IDENTIFIED IN § 19-1403(C)(1).

19-1405.

(A) A CIVIL MONEY PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED A TOTAL OF \$5,000 PER DAY IN WHICH SERIOUS OR LIFE THREATENING DEFICIENCIES EXIST.

(B) A CIVIL MONEY PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$50,000 IN TOTAL.

(C) IN SETTING THE AMOUNT OF A CIVIL MONEY PENALTY UNDER THIS SECTION, THE SECRETARY SHALL CONSIDER, PURSUANT TO GUIDELINES SET FORTH IN REGULATIONS PROMULGATED BY THE SECRETARY, THE FOLLOWING FACTORS:

- (1) THE NUMBER, NATURE, AND SERIOUSNESS OF THE DEFICIENCIES;
- (2) THE DEGREE OF RISK TO THE HEALTH, LIFE, OR SAFETY OF THE RESIDENTS OF THE NURSING FACILITY CAUSED BY THE DEFICIENCY OR DEFICIENCIES;
- (3) THE EFFORTS MADE BY THE NURSING FACILITY TO CORRECT THE DEFICIENCY OR DEFICIENCIES;
- (4) WHETHER THE AMOUNT OF THE PROPOSED CIVIL MONEY PENALTY WILL JEOPARDIZE THE FINANCIAL ABILITY OF THE NURSING FACILITY TO CONTINUE OPERATING AS A NURSING FACILITY; AND
- (5) SUCH OTHER FACTORS AS JUSTICE MAY REQUIRE.

19-1406.

(A) THE NURSING FACILITY SHALL PROVIDE WRITTEN NOTICE TO THE DEPARTMENT WHEN THE DEFICIENCY OR DEFICIENCIES IDENTIFIED IN THE NOTICE ISSUED PURSUANT TO § 19-1404 ARE SUBSTANTIALLY CORRECTED.