

(B) THE CALCULATION OF THE AMOUNT OF THE CIVIL MONEY PENALTY WILL STOP AS OF THE DATE THE NOTICE IN SUBSECTION (A) OF THIS SECTION IS RECEIVED BY THE DEPARTMENT.

(C) THE DEPARTMENT SHALL SCHEDULE AND CONDUCT A REINSPECTION OF THE NURSING FACILITY WITHIN 24 HOURS OF ITS RECEIPT OF THE NOTICE PURSUANT TO SUBSECTION (A) OF THIS SECTION.

(D) IF, FOLLOWING THE REINSPECTION, THE DEPARTMENT DETERMINES THAT THE DEFICIENCY OR DEFICIENCIES HAVE NOT BEEN SUBSTANTIALLY CORRECTED, THE DEPARTMENT MAY IMPOSE A SEPARATE CIVIL MONEY PENALTY PURSUANT TO §§ 19-1404 AND 19-1405.

19-1407.

(A) THE NURSING FACILITY SHALL HAVE THE RIGHT TO APPEAL FROM THE ORDER WITHIN 30 DAYS FROM THE RECEIPT OF THE ORDER.

(B) THE APPEAL SHALL BE HEARD BY THE HEARINGS OFFICE OF THE DEPARTMENT, WHICH SHALL RENDER THE FINAL AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW.

(C) IMPOSITION OF THE CIVIL MONEY PENALTY SHALL BE STAYED UNTIL THE FINAL DECISION IS ISSUED PURSUANT TO SUBSECTION (M) OF THIS SECTION.

(D) A HEARING ON THE APPEAL SHALL BE HELD WITHIN 10 WORKING DAYS OF THE REQUEST FOR HEARING.

(E) THE PARTIES TO THE HEARING SHALL BE THE AGGRIEVED NURSING FACILITY AND THE SECRETARY.

(F) THE PARTIES ARE ENTITLED TO BE REPRESENTED BY COUNSEL.

(G) THE HEARINGS OFFICE MAY PERMIT OR MODIFY A TIMELY REQUEST BY THE NURSING FACILITY FOR PREHEARING DISCOVERY.

(H) THE HEARINGS OFFICE, UPON ITS OWN MOTION OR UPON MOTION OF EITHER PARTY, MAY SUBPOENA ANY PERSON OR EVIDENCE, ADMINISTER OATHS, AND TAKE DEPOSITIONS AND OTHER TESTIMONY.

(I) THE HEARINGS OFFICE SHALL INQUIRE FULLY INTO ALL OF THE MATTERS AT ISSUE AND SHALL RECEIVE INTO EVIDENCE THE TESTIMONY OF WITNESSES AND ANY DOCUMENTS WHICH ARE RELEVANT AND MATERIAL TO SUCH MATTERS.

(J) THE PARTIES SHALL HAVE THE RIGHT TO PRESENT EVIDENCE AND TESTIMONY AND TO CROSS-EXAMINE THAT PRESENTED BY THE OPPOSING PARTY.

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