

(l) (1) The Secretary has the burden of proof with respect to the basis for imposition of the civil money penalty under § 19-1402 and the amount of the civil money penalty under § 19-1405.

(2) The Secretary must meet his burden of proof by clear and convincing evidence.

(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 judicial appeal.

19-1408.

(a) A nursing [facility] HOME subject to a civil money penalty shall have the right to appeal a decision of the Hearings Office upholding the finding of a deficiency or deficiencies or the imposition of a civil money penalty.

(b) Such appeal shall be filed within 30 days of the action to be appealed.

(c) The appeal under subsection (b) of this section shall be taken directly to the circuit court of the jurisdiction in which the nursing [facility] HOME is located.

19-1409.

(a) All civil money penalties imposed under this subtitle shall be placed in an interest bearing account during any judicial appeal under § 19-1408.

(b) If the civil money penalty is reversed as a result of an appeal filed by the nursing [facility] HOME, the amount of the civil money penalty, with interest, shall be returned to the nursing [facility] HOME within 14 days of the reversal.

(c) If the civil money penalty is not appealed or if it is upheld following an appeal, the amount of the penalty imposed, together with any accrued interest shall be placed in a fund to be established by the Secretary and shall be applied exclusively for the protection of the health or property of residents of nursing [facilities] HOMES that have been found to have deficiencies, including payment for the costs of relocation of residents to other [facilities] HOMES, maintenance or operation of a nursing [facility] HOME pending correction of deficiencies or closure, and reimbursement of residents for personal funds lost.

19-1410.

~~(A) IN ORDER TO QUALIFY FOR A LICENSE OR RENEWAL LICENSE BY JANUARY 1, 2001, A NURSING HOME SHALL DEVELOP AND IMPLEMENT A QUALITY ASSURANCE PROGRAM.~~

~~(B) (1) BY SEPTEMBER 1, 2000, EACH NURSING HOME SHALL EMPLOY AT LEAST ONE FULL-TIME QUALITY ASSURANCE NURSE WHOSE SOLE RESPONSIBILITY IS THE MANAGEMENT AND MONITORING OF QUALITY OF CARE IN THE NURSING HOME DESIGNATE A QUALIFIED INDIVIDUAL TO COORDINATE AND MANAGE THE NURSING HOME'S QUALITY ASSURANCE PROGRAM.~~