

(d) "Nursing [facility] HOME" means a facility (other than a facility offering domiciliary or personal care as defined in Subtitle 3 of this title) which offers nonacute inpatient care to patients suffering from a disease, condition, disability of advanced age, or terminal disease requiring maximal nursing care without continuous hospital services and who require medical services and nursing services rendered by or under the supervision of a licensed nurse together with convalescent services, restorative services, or rehabilitative services.

(E) "ONGOING PATTERN" MEANS THE ~~RECURRENCE OF DEFICIENCIES AFTER OCCURRENCE OF ANY POTENTIAL FOR MORE THAN MINIMAL HARM OR GREATER DEFICIENCY ON TWO CONSECUTIVE ON-SITE VISITS AS A RESULT OF ANNUAL SURVEYS, FOLLOW-UP VISITS, ANY UNSCHEDULED VISITS, OR COMPLAINT INVESTIGATIONS.~~

(F) "POTENTIAL FOR MORE THAN MINIMAL HARM DEFICIENCY" MEANS A CONDITION EXISTING IN A NURSING HOME OR AN ACTION OR INACTION BY THE NURSING HOME STAFF THAT ~~RESULTS IN MINIMAL DISCOMFORT TO A RESIDENT OR HAS THE POTENTIAL TO CAUSE ACTUAL HARM TO A RESIDENT.~~

[(e) "Serious" means a condition existing in a nursing facility that does not constitute a life threatening, health, or fire safety deficiency, but which is a violation of departmental regulations, and is likely to endanger the health, life, or safety of patients.]

(G) "SERIOUS AND IMMEDIATE THREAT" MEANS A SITUATION IN WHICH IMMEDIATE CORRECTIVE ACTION IS NECESSARY BECAUSE A NURSING HOME'S NONCOMPLIANCE WITH ONE OR MORE STATE REGULATIONS HAS CAUSED OR IS LIKELY TO CAUSE SERIOUS INJURY, HARM, IMPAIRMENT TO, OR DEATH OF A RESIDENT RECEIVING CARE IN THE NURSING HOME.

(H) "SUSTAINED COMPLIANCE" MEANS A PERIOD OF 30 DAYS FOLLOWING THE DATE OF NOTICE OF CORRECTIVE ACTION WITH NO DEFICIENCIES.

19-1402.

(A) IF A DEFICIENCY EXISTS, THE SECRETARY MAY IMPOSE SANCTIONS THAT INCLUDE:

(1) A DIRECTED PLAN OF CORRECTION WITH CORRECTIVE MEASURES NECESSARY TO PROTECT RESIDENTS;

(2) IMPOSING ADEQUATE STAFFING LEVELS IN A NURSING HOME;

(3) APPOINTING A STATE MONITOR SUBJECT TO § 19-1405 OF THIS SUBTITLE; AND

(4) IMPOSING A CIVIL MONEY PENALTY.

[(a)](B) A civil money penalty may be imposed when [there is clear and convincing evidence of an ongoing pattern of serious or life threatening deficiencies in a nursing facility.] A DEFICIENCY EXISTS OR AN ONGOING PATTERN OF DEFICIENCIES EXISTS IN A NURSING HOME.