

(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] THE inspection OR REINSPECTION 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.] 19-1404.

[(a) A civil money penalty imposed under this subtitle:

(1) May not exceed a total of \$5,000 per day in which serious or life threatening deficiencies exist; and

(2) May not exceed \$50,000 in total.]

(A) A CIVIL MONEY PENALTY IMPOSED UNDER THIS SECTION FOR POTENTIAL FOR MORE THAN MINIMAL HARM DEFICIENCIES:

(1) MAY NOT EXCEED \$10,000 PER INSTANCE; ~~AND~~ OR

(2) MAY NOT EXCEED \$1,000 PER DAY FOR AN ONGOING PATTERN OF DEFICIENCIES UNTIL THE NURSING HOME IS IN COMPLIANCE.

(B) A CIVIL MONEY PENALTY IMPOSED UNDER THIS SUBTITLE FOR ACTUAL HARM DEFICIENCIES:

(1) MAY NOT EXCEED \$10,000 PER INSTANCE; OR

(2) MAY NOT EXCEED \$5,000 PER DAY; FOR AN ONGOING PATTERN OF DEFICIENCIES UNTIL THE NURSING HOME IS IN COMPLIANCE.

(C) A CIVIL MONEY PENALTY IMPOSED UNDER THIS SECTION FOR A SERIOUS AND IMMEDIATE THREAT:

(1) MAY NOT EXCEED \$10,000 PER INSTANCE; ~~AND~~ OR

(2) MAY NOT EXCEED \$10,000 PER DAY FOR AN ONGOING PATTERN OF DEFICIENCIES UNTIL THE NURSING HOME IS IN COMPLIANCE.

[(b)](D) 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] HOME caused by the deficiency or deficiencies;

(3) The efforts made by the nursing [facility] HOME to correct the deficiency or deficiencies;

(4) CURRENT FEDERAL GUIDELINES FOR MONEY PENALTIES;