

18A.

(A) ~~(1)~~ THE DEPARTMENT MAY IMPOSE A CIVIL MONEY PENALTY AGAINST A PROVIDER FOR ACTION OR INACTION THAT VIOLATES THIS SUBTITLE OR ANY REGULATION ADOPTED BY THE DEPARTMENT UNDER THIS SUBTITLE.

~~(2) (1) IF A VIOLATION RESULTS FROM A PROVIDER'S FAILURE TO OBTAIN AN APPROVAL FROM THE DEPARTMENT THAT IS REQUIRED BY THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE, THE DEPARTMENT MAY IMMEDIATELY IMPOSE A CIVIL MONEY PENALTY IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.~~

~~(H) IF A VIOLATION DOES NOT RESULT FROM A PROVIDER'S FAILURE TO OBTAIN AN APPROVAL FROM THE DEPARTMENT REQUIRED BY THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE, THE PROVIDER SHALL BE GIVEN AN OPPORTUNITY TO CORRECT THE VIOLATION IN ACCORDANCE WITH SUBSECTIONS (B) AND (C) OF THIS SECTION.~~

(B) (1) IF THE DEPARTMENT ISSUES A NOTICE TO CORRECT A VIOLATION UNDER SUBSECTION (A) OF THIS SECTION, THE NOTICE SHALL PROVIDE: BEFORE IMPOSING A CIVIL MONEY PENALTY UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE A NOTICE OF VIOLATION TO THE PROVIDER

(2) THE NOTICE SHALL PROVIDE:

(1) (I) THE TIME IN WHICH A PLAN OF CORRECTION THAT IS ACCEPTABLE TO THE DEPARTMENT IS TO BE SUBMITTED;

(2) (II) THE TIME IN WHICH AN IDENTIFIED VIOLATION MUST BE SUBSTANTIALLY CORRECTED, WHICH TIME MAY NOT BE LESS THAN 30 DAYS; AND

(3) (III) THAT FAILURE TO SUBMIT AN ACCEPTABLE PLAN OF CORRECTION AS REQUIRED BY ITEM (1) OF THIS SUBSECTION OR TO CORRECT THE IDENTIFIED VIOLATION MAY RESULT IN AN ORDER IMPOSING A CIVIL MONEY PENALTY UNDER SUBSECTION (D) OF THIS SECTION.

(C) IF AT THE EXPIRATION OF THE TIME SET FORTH IN SUBSECTION (B)(2) OF THIS SECTION THE DEPARTMENT DETERMINES A VIOLATION HAS NOT BEEN CORRECTED, THE DEPARTMENT MAY:

(1) EXTEND THE TIME FRAME IN WHICH THE VIOLATION MUST BE CORRECTED; OR

(2) IMPOSE A CIVIL MONEY PENALTY UNDER SUBSECTION (D) OF THIS SECTION.

(D) (1) THE DEPARTMENT MAY IMPOSE A CIVIL MONEY PENALTY NOT TO EXCEED \$5,000 FOR EACH VIOLATION.

(2) IN SETTING THE AMOUNT OF A CIVIL MONEY PENALTY UNDER THIS SECTION, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS: