

(I) THE NUMBER, NATURE, AND SERIOUSNESS OF THE VIOLATIONS;

(II) THE DEGREE OF RISK TO THE HEALTH, LIFE, OR PHYSICAL OR FINANCIAL SAFETY OF THE SUBSCRIBERS CAUSED BY THE VIOLATIONS;

(III) THE EFFORTS MADE BY THE PROVIDER TO CORRECT THE VIOLATIONS;

(IV) WHETHER THE AMOUNT OF THE PROPOSED CIVIL MONEY PENALTY WILL JEOPARDIZE THE FINANCIAL ABILITY OF THE PROVIDER TO CONTINUE OPERATING; AND

(V) OTHER FACTORS AS JUSTICE MAY REQUIRE.

(3) IF A CIVIL MONEY PENALTY IS IMPOSED UNDER THIS SECTION, THE DEPARTMENT SHALL ISSUE AN ORDER STATING:

(I) THE BASIS ON WHICH THE ORDER IS MADE;

(II) EACH REGULATION OR STATUTE VIOLATED;

(III) EACH PENALTY IMPOSED AND THE TOTAL AMOUNT OF THE CIVIL MONEY PENALTY IMPOSED; AND

(IV) THE MANNER IN WHICH THE AMOUNT OF THE CIVIL MONEY PENALTY WAS CALCULATED.

(4) (I) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO A PROVIDER OF THE IMPOSITION OF A CIVIL MONEY PENALTY.

(II) THE NOTICE SHALL BE SERVED ON THE PROVIDER BY CERTIFIED MAIL AND SHALL INCLUDE THE ORDER AND A STATEMENT ON HOW TO FILE AN ADMINISTRATIVE APPEAL.

(5) IF A CIVIL MONEY PENALTY IS IMPOSED UNDER THIS SECTION, THE PROVIDER SHALL HAVE THE RIGHT TO APPEAL FROM THE ORDER IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 (ADMINISTRATIVE PROCEDURE ACT) OF THE STATE GOVERNMENT ARTICLE.

(E) (1) A PROVIDER SHALL PAY ALL PENALTIES TO THE DEPARTMENT WITHIN 10 DAYS AFTER THE PROVIDER RECEIVES A FINAL ORDER IMPOSING A CIVIL MONEY PENALTY.

(2) AN ORDER IMPOSING A CIVIL MONEY PENALTY IS FINAL WHEN THE PROVIDER HAS EXHAUSTED ALL OPPORTUNITIES TO CONTEST THE PENALTY IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(3) IF A PROVIDER DOES NOT COMPLY WITH THIS SECTION, THE DEPARTMENT MAY FILE A CIVIL ACTION TO RECOVER THE PENALTY.

(4) THE DEPARTMENT SHALL DEPOSIT ALL PENALTIES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND.