

(1) THAT RESULTS IN CONDITIONS PRESENTING AN IMMINENT DANGER OR A SUBSTANTIAL PROBABILITY OF DEATH OR SERIOUS PHYSICAL HARM TO A RESIDENT OF CONGREGATE HOUSING;

(2) OF A RESIDENT'S RIGHTS AS SPECIFIED IN REGULATIONS ADOPTED UNDER THIS TITLE; OR

(3) OF A STATE OR LOCAL FIRE SAFETY LAW.

(B) NOTICE OF VIOLATION.

BEFORE IMPOSING A PENALTY UNDER THIS SECTION, THE DEPARTMENT SHALL SEND A NOTICE OF VIOLATION TO THE PROVIDER THAT STATES:

(1) WHEN THE PROVIDER MUST SUBMIT A PLAN OF CORRECTION THAT IS ACCEPTABLE TO THE DEPARTMENT;

(2) WHEN EACH IDENTIFIED VIOLATION MUST BE SUBSTANTIALLY CORRECTED; AND

(3) THAT A CIVIL MONEY PENALTY MAY BE IMPOSED FOR FAILURE TO:

(I) SUBMIT AN ACCEPTABLE PLAN OF CORRECTION; OR

(II) CORRECT AN IDENTIFIED VIOLATION.

(C) REINSPECTION.

(1) AFTER THE TIME FOR CORRECTING A VIOLATION HAS ENDED, THE DEPARTMENT SHALL REINSPECT THE FACILITY TO DETERMINE WHETHER THE VIOLATION HAS BEEN CORRECTED.

(2) AFTER THE REINSPECTION, THE SECRETARY MAY:

(I) EXTEND THE TIME TO CORRECT THE VIOLATION; OR

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

(D) AMOUNT OF PENALTY.

(1) THE SECRETARY MAY IMPOSE A CIVIL MONEY PENALTY NOT EXCEEDING \$20 PER VIOLATION PER RESIDENT FOR EACH DAY THAT A VIOLATION REMAINS UNCORRECTED AFTER THE TIME SET FOR CORRECTION UNDER SUBSECTION (B)(2) OF THIS SECTION.

(2) A PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$1,000 PER VIOLATION OR \$5,000 IN TOTAL.

(E) NOTICE OF PENALTY.

(1) THE SECRETARY SHALL PROVIDE WRITTEN NOTICE OF A CIVIL MONEY PENALTY TO THE PROVIDER.

(2) THE NOTICE SHALL: