

IF A CIVIL MONEY PENALTY IS IMPOSED UNDER THIS SECTION, THE PROVIDER HAS THE RIGHT TO APPEAL FROM THE ORDER IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(H) TRIPLE PENALTY.

THE SECRETARY MAY IMPOSE A PENALTY OF THREE TIMES THE AMOUNT SET FORTH IN SUBSECTION (D) OF THIS SECTION ON A PROVIDER OF CONGREGATE HOUSING SERVICES IF A PENALTY WAS IMPOSED ON THE PROVIDER FOR THE SAME VIOLATION DURING THE 2 YEARS BEFORE THE DATE ON WHICH THE NOTICE OF VIOLATION WAS ISSUED.

(I) FINAL ORDER.

(1) AN ORDER IMPOSING A CIVIL MONEY PENALTY IS FINAL WHEN THE PROVIDER HAS EXHAUSTED ALL OPPORTUNITIES TO CONTEST THE PENALTY UNDER SUBSECTION (F) OR (G) OF THIS SECTION.

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

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

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, §§ 4-I and 4(b)(11).

In the introductory language of subsection (a) of this section, the former phrase "under § 4-I of this article" is deleted as surplusage.

In subsection (a)(1) of this section, the reference to a resident of "congregate housing" is substituted for the former reference to a resident of the "program" for clarity.

Also in subsection (a)(1) of this section, the former reference to a violation "in a congregate housing services program" is deleted as implicit.

In subsection (a)(3) of this section, the reference to a fire safety "law" is substituted for the former reference to "regulations" for clarity.

Also in subsection (a)(3) of this section, the reference to "a violation ... of" a State or local fire safety law is substituted for the former reference to "[n]oncompliance with" a State or local fire safety law for clarity.

In the introductory language of subsection (b) of this section, the phrase "[b]efore imposing a penalty under this section" is substituted for the former phrase "[i]f the Department issues a notice of a violation under subsection (a) of this section" for clarity.

Also in the introductory language of subsection (b) of this section, the requirement that "the Department shall send a notice of violation to the provider" is added for clarity.