

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

(II) WHEN EACH IDENTIFIED VIOLATION MUST BE SUBSTANTIALLY CORRECTED, WHICH MAY NOT BE LESS THAN 30 DAYS; AND

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

(C) EFFECT OF FAILURE TO CORRECT VIOLATION.

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

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

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

(D) CIVIL MONEY PENALTY.

(1) THE SECRETARY MAY IMPOSE A CIVIL MONEY PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

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

(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;