

(III) EACH CIVIL MONEY 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 HAS THE RIGHT TO APPEAL FROM THE ORDER IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(E) PAYMENT OF CIVIL MONEY PENALTY.

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

(2) AN ORDER IMPOSING A CIVIL MONEY PENALTY IS FINAL WHEN THE PROVIDER HAS EXHAUSTED ALL OPPORTUNITIES TO CONTEST THE CIVIL PENALTY IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(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 CIVIL MONEY PENALTIES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, § 18A.

The Human Services Article Review Committee suggests that the General Assembly may wish to clarify when the 30-day period for correcting violations under subsection (b)(2)(ii) of this section begins to run.

In subsection (b)(2)(iii) of this section, the reference to "item (i) of this paragraph" is substituted for the former reference to "item (1) of this subsection" for accuracy.

In the introductory language of subsection (c) of this section, the reference to "the notice required under" subsection (b) is added for accuracy.

Also in the introductory language of subsection (c) of this section, the reference to "subsection (b)" is substituted for the former reference to "subsection (b)(2)" for accuracy.

In subsection (c)(1) of this section, the former reference to the time "frame" is deleted as surplusage.