

(2) IF THE FACILITY HAS ACCEPTED THE DETERMINATION MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, WITHIN 60 DAYS AFTER THE FACILITY RECEIVES THE NOTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION THE DEPARTMENT SHALL PAY THE AMOUNT THE DEPARTMENT HAS DETERMINED IS DUE THE FACILITY, IF ANY.

(3) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, WITHIN [Within] 60 days after THE FACILITY RECEIVES notification, the facility shall pay the amount due the Department, IF ANY. [After the 60-day period ends, the Department, in addition to any other rights or remedies that may be available, shall recover the unpaid balance by withholding up to 20 percent from payments that otherwise would be due or payable to the facility.]

(4) IF A FACILITY REQUESTS A LONGER PAYMENT SCHEDULE WITHIN 30 DAYS AFTER THE FACILITY RECEIVES NOTIFICATION OF THE AMOUNT DUE THE DEPARTMENT, THE DEPARTMENT MAY ESTABLISH, AFTER CONSULTATION WITH THE FACILITY, A LONGER PAYMENT SCHEDULE.

(5) THE DEPARTMENT SHALL ESTABLISH A LONGER PAYMENT SCHEDULE IF, IN THE DEPARTMENT'S REASONABLE JUDGMENT, FAILURE TO GRANT A LONGER PAYMENT SCHEDULE WOULD:

(I) RESULT IN FINANCIAL HARDSHIP TO THE FACILITY; OR

(II) HAVE AN ADVERSE EFFECT ON THE QUALITY OF PATIENT CARE FURNISHED BY THE FACILITY.

(f) (1) [Any] THE DEPARTMENT OR ANY facility aggrieved by a reimbursement decision of the board under this section may not appeal to the Board of Review but may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

19-1401.

(a) In this subtitle, the following words have the meanings indicated.

(b) "Deficiency" shall mean any failure of a nursing facility to meet the requirements of this subtitle or any rule or regulation that the Secretary adopts under this subtitle, and, in the case of a nursing facility that participates in the Maryland Medicaid Program under Title 15 of this article as a nursing facility, any failure to meet the requirements of § 1919(b), (c), or (d) of the federal Social Security Act (42 U.S.C. § 1396R(b), (c), or (d), that is serious or life threatening.

(c) "Life threatening" shall mean a condition existing in a nursing facility that presents an imminent danger of health or serious mental or physical harm to the residents of the nursing facility and must be remedied immediately to insure their health, safety, and welfare.