

(d) "Nursing facility" means a facility (other than a facility offering domiciliary or personal care as defined in Subtitle 3 of this title) which offers nonacute inpatient care to patients suffering from a disease, condition, disability of advanced age, or terminal disease requiring maximal nursing care without continuous hospital services and who require medical services and nursing services rendered by or under the supervision of a licensed nurse together with convalescent services, restorative services, or rehabilitative services.

(e) "Serious" means a condition existing in a nursing facility that does not constitute a life threatening, health, or fire safety deficiency, but which is a violation of departmental regulations and is likely to endanger the health, life, or safety of patients.

19-1402.

(a) A civil money penalty may be imposed when there is clear and convincing evidence of an ongoing pattern of serious or life threatening deficiencies in a nursing facility.

(b) In determining whether a civil money penalty is to be imposed, the Secretary shall consider, pursuant to guidelines set forth in regulations promulgated by the Secretary, the following factors:

(1) The number, nature, and seriousness of the deficiencies;

(2) The extent to which the deficiency or deficiencies are part of an ongoing pattern during the preceding 24 months;

(3) The degree of risk to the health, life, or safety of the residents of the nursing facility caused by the deficiency or deficiencies;

(4) The efforts made by, and the ability of, the nursing facility to correct the deficiency or deficiencies; and

(5) Such other factors as justice may require.

(c) Upon determination by the Department that an ongoing pattern of serious or life threatening deficiencies exist, the Department shall notify the nursing facility that:

(1) Unless corrective action taken pursuant to § 19-1403 is substantially completed, a civil money penalty will be imposed; or

(2) An order imposing a civil money penalty will be issued, pursuant to § 19-1404 which shall include a list of all deficiencies and notice that a civil money penalty may be imposed until the time that the cited deficiencies have been rectified.

19-1403.

(a) If the Secretary issues a notice pursuant to § 19-1402(c)(1), that notice shall provide:

(1) The time in which a plan of correction acceptable to the Department is to be submitted;