

(D) IF THE SECRETARY DETERMINES THAT A SERIOUS OR LIFE-THREATENING PATIENT CARE DEFICIENCY EXISTS AND THE HOSPITAL OR RESIDENTIAL TREATMENT CENTER FAILS TO CORRECT THE DEFICIENCY THROUGH IMPLEMENTATION OF IMMEDIATE CORRECTIVE ACTION, THE SECRETARY MAY:

(1) For an accredited [hospital,] HOSPITAL OR ACCREDITED RESIDENTIAL TREATMENT CENTER:

(I) [revoke] REVOKE or [suspend] RESTRICT the licensure entitlement of § 19-319(c)(2)(i) OF THIS SUBTITLE [or impose appropriate operating conditions; or];

(II) IMPOSE A CIVIL MONETARY PENALTY OF NOT MORE THAN \$10,000 PER INSTANCE OR PER DAY;

(III) IMPOSE A DIRECTED PLAN OF CORRECTION; AND

(IV) IMPOSE APPROPRIATE OPERATING CONDITIONS.

(2) For an unaccredited [hospital,] HOSPITAL:

(I) [revoke] REVOKE or [suspend] RESTRICT the license to operate [or impose appropriate operating conditions];

(II) IMPOSE A CIVIL MONETARY PENALTY OF NOT MORE THAN \$10,000 PER INSTANCE OR PER DAY;

(III) IMPOSE A DIRECTED PLAN OF CORRECTION; AND

(IV) IMPOSE APPROPRIATE OPERATING CONDITIONS.

(E) IN DETERMINING THE ACTION TO BE TAKEN UNDER SUBSECTION (D) OF THIS SECTION, THE SECRETARY SHALL CONSIDER THE FOLLOWING FACTORS:

(1) THE NUMBER, NATURE, AND SERIOUSNESS OF THE PATIENT CARE DEFICIENCIES;

(2) THE EXTENT TO WHICH THE PATIENT CARE 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 PATIENTS OF THE HOSPITAL OR RESIDENTIAL TREATMENT CENTER CAUSED BY THE PATIENT CARE DEFICIENCY OR DEFICIENCIES;

(4) THE EFFORTS MADE BY, AND THE ABILITY OF, THE HOSPITAL OR RESIDENTIAL TREATMENT CENTER TO CORRECT THE PATIENT CARE DEFICIENCY OR DEFICIENCIES THROUGH IMPLEMENTATION OF IMMEDIATE CORRECTIVE ACTION; AND

(5) THE HOSPITAL'S OR RESIDENTIAL TREATMENT CENTER'S HISTORY OF COMPLIANCE.