

§ 158.609 Determining the amount of penalty—aggravating circumstances.

For every violation subject to a civil monetary penalty, if there are substantial or several aggravating circumstances, HHS may set the aggregate amount of the penalty at an amount sufficiently close to or at the maximum permitted by § 158.606 of this subpart to reflect that fact. HHS considers the following circumstances to be aggravating circumstances:

- (a) The frequency of violation indicates a pattern of widespread occurrence.
- (b) The violation(s) resulted in significant financial and other impacts on the average affected individual.
- (c) The entity does not provide documentation showing that substantially all of the violations were corrected.