

R. 330.11014 Civil money penalty

Rule 11014.

(1)

Prior notice is not required before a civil money penalty is imposed.

(2)

A penalty equivalent to a 1-day penalty shall apply in all circumstances even if a facility deficiency is immediately corrected.

(3)

The daily penalty shall end on the day before the determination of substantial compliance. Civil money penalties remain effective until the nursing facility achieves substantial compliance or until termination.

(4)

The state medicaid agency shall accept the determination of the state survey agency as to the date a nursing facility has come into substantial compliance.

(5)

Civil money penalty amounts shall be increased or decreased to reflect changes in levels of compliance at revisit.

(6)

Civil money penalty amounts shall increase by 50% for repeat deficiencies.

(7)

Continuing assessment of civil money penalties may cease if facility cooperation

exists and 1 of the following occurs:(a) The appointment of a receiver by a circuit court. (b) Closure of a nursing facility as evidenced by the filing of a notice of discontinuance of operation with the Michigan department of consumer and industry services under section 21785 of Act No. 368 of the Public Acts of 1978, as amended, being § 333.21785 of the Michigan Compiled Laws. (c) Appointment of a temporary manager for the purpose of overseeing the orderly closure of the nursing facility.

(a)

The appointment of a receiver by a circuit court.

(b)

Closure of a nursing facility as evidenced by the filing of a notice of discontinuance of operation with the Michigan department of consumer and industry services under section 21785 of Act No. 368 of the Public Acts of 1978, as amended, being § 333.21785 of the Michigan Compiled Laws.

(c)

Appointment of a temporary manager for the purpose of overseeing the orderly closure of the nursing facility.

(8)

Money collected by the department of as a result of civil money penalties shall be deposited into a special fund to be applied to the protection of the health and property of residents of any nursing facility that the state or HCFA finds deficient.

(9)

Money withheld by the state medicaid agency from funds due a nursing facility because of a lack of payment of civil money penalties by the nursing facility shall also be deposited in the fund specified in subrule (8) of this rule.