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Title 22@ Social Security

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Division 5@ Licensing and Certification of Health Facilities, Home Health Agencies, Clinics, and Referral Agencies

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Chapter 3@ Skilled Nursing Facilities

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Article 7@ Violations and Civil Penalties

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Section 72711@ Penalties

72711 Penalties

(a)

In fixing the amount of the civil penalty to be imposed for a class "A" violation, the district administrator or his designee, shall consider: (1) The gravity of the violation which shall include: (A) The degree of substantial probability that death or serious physical harm to the patient would result and if applicable, did result, from the violation. (B) The severity of serious physical harm to a patient or guest which was likely to result and if applicable, that did result, from the violation. (C) The extent to which the provisions of the applicable statutes or regulations were violated. (2) The "Good Faith" exercised by the licensee. Indications of good faith include awareness of the applicable statutes and regulations and reasonable diligence in complying with such requirements, prior accomplishments manifesting the licensee's desire to comply with such requirements, and any other mitigating factors in favor of the licensee. (3) Any previous violations committed by the licensee.

(1)

The gravity of the violation which shall include: (A) The degree of substantial probability that death or serious physical harm to the patient would result and if applicable, did result, from the violation. (B) The severity of serious physical harm to a patient or guest which was likely to result and if applicable, that did result, from the violation. (C) The extent to which the provisions of the applicable statutes or

regulations were violated.

(A)

The degree of substantial probability that death or serious physical harm to the patient would result and if applicable, did result, from the violation.

(B)

The severity of serious physical harm to a patient or guest which was likely to result and if applicable, that did result, from the violation.

(C)

The extent to which the provisions of the applicable statutes or regulations were violated.

(2)

The "Good Faith" exercised by the licensee. Indications of good faith include awareness of the applicable statutes and regulations and reasonable diligence in complying with such requirements, prior accomplishments manifesting the licensee's desire to comply with such requirements, and any other mitigating factors in favor of the licensee.

(3)

Any previous violations committed by the licensee.