

.49 Sanctions.

A. If a deficiency exists, the Department, in addition to the sanctions set forth in this regulation and Regulations .50—58 of this chapter, may:

- (1) Restrict the number of residents the nursing facility may admit in accordance with Health-General Article, §19-328, Annotated Code of Maryland;
- (2) Require the establishment of an escrow account in accordance with Health-General Article, §19-362, Annotated Code of Maryland;
- (3) Direct the licensee to correct the deficiencies in a specific manner or within a specific time frame, or both, to protect the health and welfare of residents;
- (4) Enter into an agreement with the licensee establishing certain conditions for continued operation, including time limits for compliance; and
- (5) In accordance with Health-General Article, §19-1405, Annotated Code of Maryland, appoint an independent State monitor who is qualified on the basis of education and experience to oversee correction of the deficiencies.

B. State Monitor.

(1) The duties of the State monitor shall be specified in a written agreement between the Department and the State monitor and shall include but are not limited to:

- (a) Conducting periodic on-site inspections to assess a nursing facility's compliance with State and federal regulations;
- (b) Making recommendations to achieve compliance with State and federal regulations; and
- (c) Issuing written reports to the Department and the nursing facility detailing the findings of the on-site inspections and the status of recommended actions that the facility shall complete to achieve compliance.

(2) The State monitor shall function for a period of time specified by the Department. The facility may request rescission or modification of the duration of the State monitor's appointment at intervals of not less than 120 days from the date of appointment.

(3) The State monitor may not be an employee of the Department.

(4) The State monitor's salary shall be:

- (a) Paid directly by the nursing facility; and
- (b) At least equivalent to the prevailing salary paid by nursing facilities for an individual with similar education and experience.

C. If the Secretary determines that the licensee has violated a condition or requirement of an imposed sanction, the Secretary may revoke the license as permitted by applicable law.

D. A licensee aggrieved by the imposition of a sanction under §A(1) or (5) of this regulation may appeal the Secretary's action by filing a request for a hearing in accordance with Regulation .59 of this chapter. A licensee aggrieved by the imposition of a sanction under §A(2) of this regulation may appeal the Secretary's action in accordance with Health-General Article, §§19-364 and 19-367, Annotated Code of Maryland.