

[19-1408.

(a) A nursing facility subject to a civil money penalty shall have the right to appeal a decision of the Hearings Office upholding the finding of a deficiency or deficiencies or the imposition of a civil money penalty.

(b) Such appeal shall be filed within 30 days of the action to be appealed.

(c) The appeal under subsection (b) of this section shall be taken directly to the circuit court of the jurisdiction in which the nursing facility is located.]

[19-1409.

(a) All civil money penalties imposed under this subtitle shall be placed in an interest bearing account during any judicial appeal under § 19-1408.

(b) If the civil money penalty is reversed as a result of an appeal filed by the nursing facility, the amount of the civil money penalty, with interest, shall be returned to the nursing facility within 14 days of the reversal.

(c) If the civil money penalty is not appealed or if it is upheld following an appeal, the amount of the penalty imposed, together with any accrued interest shall be placed in a fund to be established by the Secretary and shall be applied exclusively for the protection of the health or property of residents of nursing facilities that have been found to have deficiencies, including payment for the costs of relocation of residents to other facilities, maintenance or operation of a nursing facility pending correction of deficiencies or closure, and reimbursement of residents for personal funds lost.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2000~~ *is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.*

Approved May 11, 2000.