

**§7946. Enforcement and appeal**

**1. Procedure.** The department may impose any sanction in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, providing the long-term care facility the opportunity for an administrative hearing, or file a complaint with the Superior Court requesting the imposition of any sanction authorized by this chapter.

[PL 1987, c. 774, §4 (NEW).]

**2. Collection of penalties; interest.** Long-term care facilities that are fined pursuant to this chapter are required to pay the department the amount of the penalties. Penalties may be collected by the department by the offset of any reimbursement due the facility, or by any other method authorized by law. An appeal of the department's decision to penalize a long-term care facility stays the collection of any penalties. All penalties are to be assessed for each day that the facility is or was out of compliance and are to be collected with interest accruing at the rate set by Title 14, section 1602-C. An appeal of the department's decision to penalize a long-term care facility does not stay the assessment of any penalties or interest as long as the long-term care facility continues to be in violation of any requirement of section 7943.

[PL 2003, c. 460, §12 (AMD).]

**3. Reduction or delay of penalties.** The department may reduce the amount or delay the payment of a penalty when a facility is able to show that payment of the total amount due would result in inadequate funds to provide necessary services to residents. In making this determination, the department may consider, among other factors, the amount of any savings as calculated pursuant to the principles of reimbursement, overall profits or cash reserves and any extraordinary expenses experienced by the facility, as well as the necessity of providing an incentive to correct violations of this chapter.

[PL 1987, c. 774, §4 (NEW).]

**4. Income from penalties.** Any income from penalties must be placed in a special revenue account and be used by the department for purposes related to improving the quality of care for residents of long-term care facilities.

[PL 2009, c. 621, §7 (AMD).]

**5. No limitation on right of action.**

[PL 1991, c. 637, §1 (RP).]

**SECTION HISTORY**

PL 1987, c. 774, §4 (NEW). PL 1989, c. 747, §2 (AMD). PL 1991, c. 637, §1 (AMD). PL 2003, c. 460, §12 (AMD). PL 2009, c. 621, §7 (AMD).

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