

441—81.52(249A) Civil money penalties—due date for payment of penalty.**81.52(1)** *When payments are due.*

- a.* A civil money penalty payment is due 15 days after a final administrative decision is made when:
 - (1) The facility achieves substantial compliance before the final administrative decision; or
 - (2) The effective date of termination occurs before the final administrative decision.
- b.* A civil money penalty is due 15 days after the time period for requesting a hearing has expired and a hearing request was not received when:
 - (1) The facility achieves substantial compliance before the hearing request was due; or
 - (2) The effective date of termination occurs before the hearing request was due.
- c.* A civil money penalty payment is due 15 days after receipt of the written request to waive a hearing when:
 - (1) The facility achieved substantial compliance before the department of inspections and appeals received the written waiver of hearing; or
 - (2) The effective date of termination occurs before the department of inspections and appeals received the written waiver of hearing.
- d.* A civil money penalty payment is due 15 days after substantial compliance is achieved when:
 - (1) The final administrative decision is made before the facility came into compliance;
 - (2) The facility did not file a timely hearing request before it came into substantial compliance; or
 - (3) The facility waived its right to a hearing before it came into substantial compliance.
- e.* A civil money penalty payment is due 15 days after the effective date of termination, if before the effective date of termination:
 - (1) The final administrative decision was made;
 - (2) The time for requesting a hearing has expired and the facility did not request a hearing; or
 - (3) The facility waived its right to a hearing.
- f.* In the cases specified in paragraph “d,” the period of noncompliance may not extend beyond six months from the last day of the survey.

81.52(2) *Deduction of penalty from amount owed.* The amount of the penalty, when determined, may be deducted from any sum then or later owing by the department to the facility.

81.52(3) *Interest.* Interest of 10 percent per year is assessed on the unpaid balance of the penalty, beginning on the due date.

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