

**441—81.47(249A) Civil money penalties—when penalty is collected.****81.47(1) *When facility requests a hearing.***

*a.* A facility shall request a hearing on the determination of the noncompliance that is the basis for imposition of the civil money penalty within the time limit specified in subrule 81.35(7).

*b.* If a facility requests a hearing within the time specified in subrule 81.35(7), the department of inspections and appeals initiates collection of the penalty when there is a final administrative decision that upholds the department of inspections and appeals' determination of noncompliance after the facility achieves substantial compliance or is terminated.

**81.47(2) *When facility does not request a hearing.*** If a facility does not request a hearing, in accordance with subrule 81.47(1), the department of inspections and appeals initiates collection of the penalty when the facility:

*a.* Achieves substantial compliance; or

*b.* Is terminated.

**81.47(3) *When facility waives a hearing.*** If a facility waives its right to a hearing in writing, as specified in rule 441—81.49(249A), the department of inspections and appeals initiates collection of the penalty when the facility:

*a.* Achieves substantial compliance; or

*b.* Is terminated.

**81.47(4) *Accrual and computation of penalties.*** Accrual and computation of penalties for a facility that:

*a.* Requests a hearing or does not request a hearing as specified in rule 441—81.50(249A);

*b.* Waives its right to a hearing in writing, as specified in subrule 81.49(2) and rule 441—81.50(249A).

**81.47(5) *Collection.*** The collection of civil money penalties is made as provided in rule 441—81.52(249A).