

216.565 Factors to be considered in determining amount of initial penalty.

- (1) In determining the amount of the initial penalty to be imposed under KRS 216.537 to 216.590, the cabinet shall consider at least the following factors:
 - (a) The gravity of the violation, including the probability that death or serious physical or mental harm to a resident will result or has resulted; the severity of the actual or potential harm, and the extent to which the provisions of the applicable statutes or regulations were violated;
 - (b) The reasonable diligence exercised by the licensee and efforts to correct violations;
 - (c) The number and type of previous violations committed by the licensee; and
 - (d) The amount of assessment necessary to insure immediate and continued compliance.
- (2) This section shall not apply to assisted living communities licensed under KRS 194A.700 to 194A.729.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 20, sec. 33, effective July 14, 2022. -- Created 1982 Ky. Acts ch. 157, sec. 13, effective July 15, 1982.