

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

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:

- (1) 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;
- (2) The reasonable diligence exercised by the licensee and efforts to correct violations;
- (3) The number and type of previous violations committed by the licensee; and
- (4) The amount of assessment necessary to insure immediate and continued compliance.

Effective: July 15, 1982

History: Created 1982 Ky. Acts ch. 157, sec. 13, effective July 15, 1982.