

**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.