**Section 965.230 Adverse Action**

a) An adverse action under this Part will be the imposition of a penalty.

b) Adverse actions will be considered by the Department when substantial or continued failure to comply with the Act or this Part is found to have occurred.

c) In determining whether to take adverse action pursuant to Section 40 of the Act in setting the amount of any fine or penalty, the Department will consider each of the following factors:

1) The gravity of the violation or violations and the extent to which the provisions of the Act, other applicable statutes, or this Part were violated.

2) The reasonable diligence exercised by the health care entity, health care plan, hospital, or professional to avoid the violation or violations or to reduce the potential harm to a patient or patients.

3) Efforts by the health care entity, health care plan, hospital, or professional to correct the violation or violations.

4) Any previous violations of the Act or this Part committed by the health care entity, health care plan, hospital, or professional.