Readopt with amendments Med 411.02, effective 3-2-16 (Document #11048), to read as follows:

Med 411.02 Criteria For Setting Fines.

(a) Administrative fines shall be assessed and compromised in accordance with the factors stated in Med 408.03(d) and the following additional considerations:

(1) The cost of any investigation or hearing conducted by the board; and

(2) The licensee's ability to pay a fine assessed by the board.

(b) Administrative fines imposed by the board shall not exceed $3,000 per offense or, in the case of continuing fines, $300 for each day that the violation continues, whichever is greater. be in the following amounts:

(1) When no violation of the same type has occurred within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed $1,000 per offense;

(2) When a single disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the licensee, the fine assessed shall not exceed $2,000 per offense;

(3) When more than one disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the licensee, the fine assessed shall not exceed $3,000 per offense; or

(4) In the case of continuing violations, a separate fine shall be assessed for each day the violation continues, but the total amount of the fine and the licensee's promptness and cooperativeness in ceasing the prohibited conduct in question shall be considered in assessing the daily fines.
Appendix

<table>
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<tr>
<th>Rule</th>
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<tbody>
<tr>
<td>Med 411.02</td>
<td>RSA 329:9, XV; RSA 329:17, VII (g); RSA 329:2, II(d)</td>
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