

(7) THE APPLICABLE RATE STRUCTURE AND PAYMENT PROVISIONS COVERING:

(I) ALL RATES TO BE CHARGED TO THE SUBSCRIBER, INCLUDING:

1. SERVICE PACKAGES;
2. FEE FOR SERVICE RATES; AND
3. ANY OTHER NONSERVICE-RELATED CHARGES;

(II) CRITERIA TO BE USED FOR IMPOSING ADDITIONAL CHARGES FOR THE PROVISION OF ADDITIONAL SERVICES, IF THE SUBSCRIBER'S SERVICE AND CARE NEEDS CHANGE;

(III) PAYMENT ARRANGEMENTS AND FEES, IF KNOWN, FOR THIRD-PARTY SERVICES NOT COVERED BY THE CONTINUING CARE AGREEMENT, BUT ARRANGED FOR BY EITHER THE SUBSCRIBER, THE SUBSCRIBER'S AGENT, OR THE ASSISTED LIVING PROGRAM;

(IV) IDENTIFICATION OF THE PERSONS RESPONSIBLE FOR PAYMENT OF ALL FEES AND CHARGES AND A CLEAR INDICATION OF WHETHER THE PERSON'S RESPONSIBILITY IS OR IS NOT LIMITED TO THE EXTENT OF THE SUBSCRIBER'S FUNDS;

(V) A PROVISION FOR AT LEAST 45 DAYS' NOTICE OF ANY RATE INCREASE, EXCEPT IF NECESSITATED BY A CHANGE IN THE SUBSCRIBER'S MEDICAL CONDITION; AND

(VI) FAIR AND REASONABLE BILLING AND PAYMENT POLICIES.

23.

(A) Any operation subject to the provisions of this subtitle shall not be subject to the provisions of the Health Maintenance Organization Act of the Health - General Article; the Insurance Article, except § 15-603 of the Insurance Article; Title 8 of the Real Property Article; or any county or municipal landlord-tenant law. If a provider contractually utilizes the services of a licensed home health agency or residential service agency and is not itself directly providing the type of services provided by a home health or residential service agency, then the provider shall not be subject to the provisions of Title 19, Subtitles 4 and 4A of the Health - General Article of the Maryland Annotated Code. Under § 15-603 of the Insurance Article, the liability of the provider to the State Department of Health and Mental Hygiene shall be limited to the amount of money which would be due as a refund if the subscriber were dismissed under § 15 at the time of enrollment in services rendered by, or paid in full or in part by the State Department of Health and Mental Hygiene.

(B) A PROVIDER THAT OFFERS ASSISTED LIVING PROGRAM SERVICES AS PART OF A CONTINUUM OF CARE IN ACCORDANCE WITH A CONTINUING CARE AGREEMENT SHALL HAVE THE CHOICE OF:

(1) EXECUTING A SEPARATE ASSISTED LIVING RESIDENT AGREEMENT AND A SEPARATE ASSISTED LIVING DISCLOSURE STATEMENT; OR