

- (1) THE DOCUMENTS REQUIRED HAVE BEEN FILED;
- (2) THE PROPOSED CONTINUING CARE CONTRACTS MEET THE REQUIREMENTS OF THIS ACT;
- (3) NECESSARY FACILITIES FOR PROVIDING CONTINUING CARE ARE IN EXISTENCE;
- (4) WHEN APPROPRIATE, THE FACILITIES HAVE BEEN OTHERWISE LICENSED OR CERTIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR THE OFFICE ON AGING; AND
- (5) THE ADVERTISING MATERIALS AND CIRCULARS FILED ARE UNTRUE, DECEPTIVE, MISLEADING, OR LIKELY TO MISLEAD.

(E) IF THE APPLICATION IS APPROVED, THE CERTIFICATE OF REGISTRATION SHALL BE ISSUED AND THE PROVIDER MAY OFFER THE CONTRACT TO THE PUBLIC. IF THE APPLICATION IS DISAPPROVED, THE OFFICE SHALL SET FORTH ITS REASONS FOR DENIAL OF THE APPLICATION IN WRITING.

(F) IT SHALL BE THE RESPONSIBILITY OF THE OFFICE TO MAKE THE INFORMATION PROVIDED PURSUANT TO THIS SECTION AVAILABLE TO ALL INTERESTED PERSONS. THE OFFICE SHALL PUBLICIZE THE AVAILABILITY OF THIS INFORMATION.

(G) FEES COLLECTED BY A PROVIDER UNDER THE TERMS OF A CONTINUING CARE AGREEMENT MAY NOT BE USED FOR PURPOSES OTHER THAN THOSE SET FORTH IN THE AGREEMENT.

11.

(A) ALL PROVIDERS LICENSED UNDER ARTICLES 43 OR 70B WHO INTEND TO OFFER CONTINUING CARE AGREEMENTS AND WHO HAVE NOT ACQUIRED THE NECESSARY FACILITIES FOR PROVIDING CONTINUING CARE BY THE EFFECTIVE DATE OF THE RULES SHALL FILE WITH THE OFFICE ON AGING A STATEMENT OF INTENT TO PROVIDE CONTINUING CARE AND SHALL PROVIDE THE SAME INFORMATION AS REQUIRED UNDER § 10 FOR APPLICATION OF A CERTIFICATE OF REGISTRATION.

(B) PROVIDERS ALL PROVIDERS, INCLUDING THOSE IN SUBSECTION (A) OF THIS SECTION, SHALL ALSO FILE A FEASIBILITY STUDY, IN A FORM SATISFACTORY TO THE OFFICE ON AGING. THE FEASIBILITY STUDY SHALL INCLUDE AT LEAST THE FOLLOWING INFORMATION:

- (1) A STATEMENT OF THE PURPOSE AND NEED FOR THE PROJECT AND THE REASONS FOR THE PROPOSED CONSTRUCTION, EXPANSION, OR RENOVATION;
- (2) A STATEMENT OF FINANCIAL RESOURCES OF THE PROVIDERS;
- (3) A STATEMENT OF THE CAPITAL EXPENDITURES NECESSARY TO ACCOMPLISH THE PROJECT; AND