

(2) The subscriber resides in a unit at a higher level of care than the level of care in which the subscriber resided upon initially entering the facility; and

(3) The last unit in which the subscriber resided at the level of care in which the subscriber resided upon initially entering the facility has been occupied by or reserved for another subscriber who has paid an entrance fee.

(D) THIS SECTION DOES NOT PRECLUDE A PROVIDER FROM REQUIRING THAT A SUBSCRIBER'S UNIT BE VACATED BEFORE ANY CONTRACTUAL ENTRANCE FEE REFUND IS PAID AS A RESULT OF THE SUBSCRIBER'S ELECTION TO TERMINATE A CONTINUING CARE AGREEMENT.

17A.

(f) The Department may withhold the renewal certificate OF REGISTRATION or withdraw a PRELIMINARY, INITIAL, OR RENEWAL certificate of registration:

(1) If the provider does not prepare a financial plan;

(2) If the provider is unwilling or unable to prepare a financial plan;

(3) If the financial plan is inadequate to correct the current or impending financial condition which necessitated the financial plan; or

(4) If the provider fails to implement the plan.

18.

(a) No person, association, or corporation may maintain or operate a facility offering continuing care without having obtained [a] AN INITIAL OR RENEWAL certificate of registration.

18A.

(a) The [Department] SECRETARY may impose a civil money penalty against a provider for action or inaction that violates this subtitle or any regulation adopted by the Department under this subtitle.

(b) (1) Before imposing a civil money penalty under subsection (a) of this section, the Department shall issue a notice of violation to the provider.

(2) The notice shall provide:

(i) The time in which a plan of correction that is acceptable to the Department is to be submitted;

(ii) The time in which an identified violation must be substantially corrected, which time may not be less than 30 days; and

(iii) That failure to submit an acceptable plan of correction as required by item (1) of this subsection or to correct the identified violation may result in an order imposing a civil money penalty under subsection (d) of this section.