

(f) "Entrance fee" means an initial or deferred payment of a sum of money or any other consideration OTHER THAN A SURCHARGE [which] THAT assures a subscriber [a place in a facility] CONTINUING CARE for a term of years or for life. An accommodation fee, admission fee, or other fee of similar form and application shall be considered to be an entrance fee.

[(g) "Records" means the financial information and personnel data maintained by the provider for the proper operation of the facility pursuant to this subtitle.]

(G) "EXPANSION" MEANS ANY SINGLE NEW CAPITAL ADDITION, EXCLUDING RENOVATION AND NORMAL REPAIR AND MAINTENANCE, THAT MEETS EITHER OF THE FOLLOWING CRITERIA:

(1) IF INDEPENDENT OR ASSISTED LIVING UNITS ARE TO BE CONSTRUCTED ~~THEN, THEN~~ THE NUMBER OF UNITS TO BE CONSTRUCTED MUST BE LESS THAN OR EQUAL TO 25% OF THE NUMBER OF EXISTING INDEPENDENT AND ASSISTED LIVING UNITS; OR

(2) IF INDEPENDENT OR ASSISTED LIVING UNITS ARE NOT "TO BE CONSTRUCTED ~~THEN, THEN~~ THE TOTAL PROJECTED COST MUST BE AN AMOUNT THAT IS MORE THAN THE SUM OF:

(I) 10% OF THE TOTAL OPERATING EXPENSES, LESS DEPRECIATION, AMORTIZATION, AND INTEREST EXPENSE OF THE FACILITY AS SHOWN ON THE CERTIFIED FINANCIAL STATEMENT FOR THE MOST RECENT FISCAL YEAR FOR WHICH A CERTIFIED FINANCIAL STATEMENT IS AVAILABLE; AND

(II) THE AMOUNT OF THE EXISTING RESERVES PROPERLY ALLOCABLE TO, AND SO ALLOCATED FOR, THE EXPANSION.

[(c)](H) "Facility" means a physical plant in which continuing care is provided in accordance with this subtitle.

[(h) "Fiscal year" means the fiscal year of the provider.]

[(i) "Processing fee" means those costs incurred by the provider in determining the financial, mental, and physical eligibility of an applicant for entrance into a facility.]

(I) "FINANCIAL DIFFICULTY" MEANS CURRENT OR IMPENDING FINANCIAL CONDITIONS THAT IMPAIR OR MAY IMPAIR THE ABILITY OF THE PROVIDER TO MEET EXISTING OR FUTURE OBLIGATIONS.

[(j) "Certified financial statement" means a complete audit prepared and certified to by an independent certified public accountant.]

(J) "OFFICE" MEANS THE MARYLAND OFFICE ON AGING.

(K) "PERSON" MEANS ANY NATURAL PERSON, FIRM, ASSOCIATION, CORPORATION, COMPANY, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, PUBLIC BODY, OR OTHER BUSINESS OR NONPROFIT ENTITY.