

(f) If the provider plans to advertise before having a certificate of registration issued under § 11 of this subtitle, the form and substance of any advertisement or advertising campaign must be submitted to the Department before the advertisement or advertising campaign may be used.

(g) A preliminary certificate of registration shall be issued by the Department if it determines that:

(1) The feasibility study has been approved;

(2) The continuing care agreement to be used between the provider and the subscriber meets the requirements of §§ 13, 14, and 15 of this subtitle;

(3) All of the financial and organizational materials required to be submitted under subsection (e) of this section have been submitted to the Department; and

(4) The form and substance of all advertising and other promotional materials filed are not deceptive, misleading, or likely to mislead.

(h) If a preliminary certificate of registration is not obtained from the Department within 6 months of the approval of a feasibility study, or such longer time as is allowed by the Department for good cause shown, the provider shall refund all deposits and cease in its attempts to market continuing care under that application.

11.

(a) A provider may not provide continuing care until the issuance of a certificate of registration by the Department. The application shall be filed in a form satisfactory to the Department. The application shall contain at least the following information:

(1) **[Verification] FOR A PROJECT OTHER THAN A CONVERSION, VERIFICATION** that subscribers' continuing care agreements have been executed for at least 65 percent of the independent living units and at least 10 percent of the total entrance fee for each contracted unit has been collected;

(2) **FOR A CONVERSION PROJECT, VERIFICATION THAT AT LEAST 80% OF THE ACCOMMODATIONS IN THE FACILITY PROJECT THAT ARE NOT LICENSED AS ASSISTED LIVING OR COMPREHENSIVE CARE BEDS ARE OCCUPIED OR RESERVED IN ACCORDANCE WITH:**

(I) LEASES;

(II) CONTINUING CARE AGREEMENTS EXECUTED WITH SUBSCRIBERS WHO HAVE PROVIDED A DEPOSIT THAT:

1. IS EQUAL TO AT LEAST 10% OF THE TOTAL ENTRANCE FEE; AND

2. HAS BEEN DEPOSITED BY THE PROVIDER UNDER A PROPER ESCROW AGREEMENT; OR