

(3) The provider has complied with § 17A of this subtitle if it has been found to be in financial difficulty;

(4) When appropriate, the facility has been licensed or certified by the Department of Health and Mental Hygiene or the Department; and

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

(h) A provider shall file a request for approval for each renovation in a form satisfactory to the Department. At least 30 days before filing the request, the provider shall submit to the Department a written statement that sets forth the provider's intent to file a renovation approval request. A request for approval shall include:

(1) A statement of the purpose of and need for the renovation;

(2) A financial plan that demonstrates to the satisfaction of the Department that the renovation will not have an unreasonably adverse effect on the financial ability of the provider to furnish continuing care in accordance with the provider's continuing care agreements and this subtitle at the facility identified in the plan and at each other facility of the provider in the State; and

(3) Any other information that the Department requires.

(i) The Department shall approve any renovation requested in accordance with this section if the Department determines that the proposed renovation will not have an unreasonably adverse effect on the financial ability of the provider to furnish continuing care in accordance with the provider's continuing care agreements and this subtitle. A provider may not begin construction of the renovation until the provider receives written approval from the Department.

(j) A provider shall file a request for approval for each expansion in a form satisfactory to the Department. At least 30 days before filing the request, the provider shall submit to the Department a written statement that sets forth the provider's intent to file an expansion request. The request shall include:

(1) A statement of the purpose of and need for the expansion;

(2) If the expansion involves living units, a plan that demonstrates to the satisfaction of the Department that a market exists for the additional living units;

(3) A financial plan that demonstrates to the satisfaction of the Department that the expansion will not have an unreasonably adverse effect on the financial ability of the provider to furnish continuing care in accordance with the provider's continuing care agreements and this subtitle at the facility identified in the plan and at each other facility of the provider in the State; and

(4) Any other information that the Department requires.

(k) The Department shall approve any expansion requested in accordance with this section and, if appropriate, issue a new certificate of registration if the Department determines that the proposed expansion will not have an unreasonably adverse effect on the financial ability of the provider to furnish continuing care in