

(12) IS CONTROLLED DIRECTLY OR INDIRECTLY BY A PERSON THAT THE SECRETARY FINDS TO BE UNTRUSTWORTHY; OR

(13) HAS FAILED TO FILE A FINANCIAL REPORT REQUIRED BY LAW WITHIN THE TIME ALLOWED BY LAW AND, AFTER WRITTEN DEMAND BY THE SECRETARY, HAS FAILED TO GIVE AN IMMEDIATE AND ADEQUATE EXPLANATION.

(B) (1) IF THE APPOINTMENT OF THE SECRETARY AS RECEIVER IS NOT THEN IN EFFECT, AND EVEN IF NO PREVIOUS ORDER HAS DIRECTED THE SECRETARY TO REHABILITATE A CONTINUING CARE PROVIDER, THE SECRETARY MAY APPLY TO THE COURT FOR AN ORDER THAT APPOINTS THE SECRETARY AS RECEIVER AND THAT DIRECTS THE SECRETARY TO LIQUIDATE THE CONTINUING CARE PROVIDER IF THE CONTINUING CARE PROVIDER:

(I) HAS NOT DONE BUSINESS FOR AT LEAST 1 YEAR;

(II) IS A CONTINUING CARE PROVIDER DETERMINED TO HAVE A SIGNIFICANT RISK OF FINANCIAL FAILURE UNDER § 17A OF THIS SUBTITLE AND HAS COMMENCED VOLUNTARY LIQUIDATION OR DISSOLUTION, OR ATTEMPTS TO COMMENCE OR PROSECUTE AN ACTION OR PROCEEDING TO LIQUIDATE ITS BUSINESS OR AFFAIRS, TO DISSOLVE ITS CORPORATE CHARTER, OR TO PROCURE THE APPOINTMENT OF A RECEIVER, TRUSTEE, CUSTODIAN, OR SEQUESTRATOR UNDER ANY LAW EXCEPT THIS ARTICLE;

(III) IS DOING BUSINESS IN A FRAUDULENT MANNER; OR

(IV) IS IN A CONDITION IN WHICH FURTHER REHABILITATION EFFORTS ON ANY GROUNDS SPECIFIED IN SUBSECTION (A) OF THIS SECTION APPEAR TO BE USELESS.

(2) IF AT ANY TIME DURING A REHABILITATION PROCEEDING THE SECRETARY DETERMINES THAT FURTHER EFFORTS TO REHABILITATE THE CONTINUING CARE PROVIDER WOULD BE USELESS, THE SECRETARY MAY APPLY TO THE COURT FOR AN ORDER OF LIQUIDATION.

20H.

(A) (1) AN ORDER TO REHABILITATE A CONTINUING CARE PROVIDER SHALL:

(I) APPOINT THE SECRETARY AS REHABILITATOR;

(II) DIRECT THE SECRETARY:

1. TO TAKE POSSESSION OF THE PROPERTY OF THE CONTINUING CARE PROVIDER AND CONDUCT THE BUSINESS OF THE CONTINUING CARE PROVIDER UNDER THE GENERAL SUPERVISION OF THE COURT; AND

2. TO TAKE ACTION THE COURT DIRECTS TO REMOVE THE CAUSES AND CONDITIONS THAT HAVE MADE REHABILITATION NECESSARY;

(III) VEST TITLE TO ALL PROPERTY OF THE CONTINUING CARE PROVIDER IN THE REHABILITATOR; AND