

[(21)] (22) Where applicable, describe the conditions under which the provider may be issued a certificate of registration, describe the conditions under which the provider may use escrowed deposits, and state the amount of the subscriber's deposit that may be used upon issuance of a certificate of registration;

[(22)] (23) State that fees collected by a provider under the terms of a continuing care agreement may not be used for purposes other than those set forth in the agreement;

[(23)] (24) Allow a subscriber to designate a beneficiary for receipt of any refundable portion of the entrance fee, if:

- (i) The designation is in writing;
- (ii) The designation is witnessed by two or more competent witnesses;
- (iii) The designation is noncontingent; and
- (iv) The designation is specified in percentages and accounts for 100 percent of the refund due; and

[(24)] (25) Contain the following statement in boldface type, and in the largest type used in the agreement: "A preliminary certificate of registration or certificate of registration is not an endorsement or guarantee of this facility by the State of Maryland. The Maryland Department of Aging urges you to consult with an attorney and a suitable financial advisor before signing any documents."

(b) Except as provided in subsection [(a)(23)] (A)(24) of this section, a requirement of this section shall not apply to any continuing care agreements entered into before the effective date of the requirement.

(c) The provider shall maintain the continuing care agreement on site and make it available for inspection by the Department of Health and Mental Hygiene under Title 19, Subtitle 18, of the Health - General Article.

(d) In addition to any other requirements of this section, if a provider's continuing care agreement includes a provision to provide assisted living program services and the provider does not execute a separate assisted living agreement, each continuing care agreement executed between a subscriber and a provider shall include with regard to the assisted living program:

- (1) A statement of the level of care for which the assisted living program is licensed;
- (2) As part of the procedures to be followed under subsection (a)(4) of this section, if the subscriber is transferred to an assisted living program, the procedures to be followed by the provider for notifying the subscriber of the level of care needed by the subscriber;
- (3) A statement indicating the options available to a subscriber if the subscriber's level of care, after admission to an assisted living program, exceeds the level of care for which the provider is licensed; .