

10-405. RESERVED.

10-406. RESERVED.

PART II. CONTINUING CARE IN A RETIREMENT COMMUNITY — CERTIFICATES OF REGISTRATION.

10-407. SCOPE OF PART.

THIS PART APPLIES ONLY TO CONTINUING CARE IN A RETIREMENT COMMUNITY OPERATIONS.

REVISOR'S NOTE: This section is new language added for clarity.

Defined term: "Continuing care in a retirement community" § 10-401

10-408. GENERAL REQUIREMENTS.

(A) COMPLIANCE WITH APPLICABLE PROVISIONS.

A PROVIDER SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF §§ 10-409 THROUGH 10-415 OF THIS SUBTITLE BEFORE THE PROVIDER MAY:

- (1) OFFER CONTINUING CARE IN A RETIREMENT COMMUNITY;
- (2) ENTER INTO OR RENEW CONTINUING CARE AGREEMENTS;
- (3) BEGIN CONSTRUCTION OF A NEW FACILITY;

(4) BEGIN CONSTRUCTION OF AN EXPANSION TO OR RENOVATION OF AN EXISTING FACILITY; OR

- (5) COLLECT DEPOSITS FOR CONTINUING CARE IN THIS STATE.

(B) CAPITAL ADDITIONS AND IMPROVEMENTS.

(1) A NEW CAPITAL ADDITION TO A FACILITY THAT WILL RESULT IN THE CONSTRUCTION OF A NUMBER OF INDEPENDENT AND ASSISTED LIVING UNITS THAT IS GREATER THAN 25% OF THE NUMBER OF EXISTING UNITS IS CONSIDERED NEW DEVELOPMENT AND IS SUBJECT TO §§ 10-409 THROUGH 10-411 OF THIS SUBTITLE.

(2) A NEW CAPITAL ADDITION TO A FACILITY THAT DOES NOT INVOLVE THE CONSTRUCTION OF INDEPENDENT OR ASSISTED LIVING UNITS AND THAT DOES NOT MEET THE STANDARD OF § 10-401(L)(1)(II) OF THIS SUBTITLE IS NOT SUBJECT TO REVIEW BY THE DEPARTMENT UNDER §§ 10-409 THROUGH 10-415 OF THIS SUBTITLE.

(3) A CAPITAL IMPROVEMENT OR REPLACEMENT THAT DOES NOT MEET THE STANDARD OF § 10-401(W) OF THIS SUBTITLE IS NOT SUBJECT TO REVIEW BY THE DEPARTMENT UNDER §§ 10-409 THROUGH 10-415 OF THIS SUBTITLE.

(C) APPLICANTS WITH MORE THAN ONE FACILITY.

A PROVIDER THAT HAS MORE THAN ONE FACILITY OFFERING CONTINUING CARE SHALL MAKE A SEPARATE APPLICATION FOR EACH FACILITY FOR PRELIMINARY, INITIAL, AND RENEWAL CERTIFICATES OF REGISTRATION.