

(B) CALCULATION OF PRO RATA PROPORTION OF NET OPERATING EXPENSES.

THE PRO RATA PROPORTION OF THE NET OPERATING EXPENSES EQUALS THE NUMBER OF UNITS IN THE FACILITY FOR WHICH THE DEPARTMENT HAS ISSUED A CERTIFICATE OF REGISTRATION DIVIDED BY THE TOTAL NUMBER OF ACCOMMODATIONS IN THE FACILITY MULTIPLIED BY THE NET OPERATING EXPENSES FOR THE MOST RECENT FISCAL YEAR FOR WHICH A CERTIFIED FINANCIAL STATEMENT IS AVAILABLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, § 11B(h).

In subsection (a) of this section, the reference to the pro rata proportion of the net operating expenses "calculated under subsection (b) of this section" is added for clarity.

Defined terms: "Certified financial statement" § 10-401

"Continuing care agreement" § 10-401

"Conversion" § 10-401

"Department" § 10-101

"Facility" § 10-401

"Net operating expenses" § 10-419

"Provider" § 10-401

10-424. DISCLOSURE STATEMENTS — IN GENERAL.

(A) REQUIRED.

(1) A PROVIDER SHALL GIVE WITHOUT COST A DISCLOSURE STATEMENT FOR EACH FACILITY FOR WHICH THE PROVIDER HOLDS A PRELIMINARY, INITIAL, OR RENEWAL CERTIFICATE OF REGISTRATION:

(I) TO A PROSPECTIVE SUBSCRIBER BEFORE THE EARLIER OF PAYMENT OF ANY PART OF THE ENTRANCE FEE OR EXECUTION OF A CONTINUING CARE AGREEMENT; AND

(II) ANNUALLY TO ANY SUBSCRIBER WHO REQUESTS A DISCLOSURE STATEMENT.

(2) A PROVIDER SHALL SUBMIT ITS INITIAL DISCLOSURE STATEMENT TO THE DEPARTMENT FOR REVIEW AT LEAST 45 DAYS BEFORE GIVING THE STATEMENT TO ANY PROSPECTIVE SUBSCRIBER.

(B) ANNUAL REVISIONS.

(1) A PROVIDER SHALL REVISE THE DISCLOSURE STATEMENT ANNUALLY AND FILE IT WITH THE DEPARTMENT WITHIN 120 DAYS AFTER THE END OF THE PROVIDER'S FISCAL YEAR.

(2) THE DEPARTMENT SHALL REVIEW THE DISCLOSURE STATEMENT SOLELY TO ENSURE COMPLIANCE WITH § 10-425 OF THIS SUBTITLE.

(C) AMENDED STATEMENTS.