

COMPANY THAT WILL MANAGE THE DAY-TO-DAY OPERATIONS OF THE FACILITY AFTER THE SALE OR OTHER TRANSFER, AND A DESCRIPTION OF THE BUSINESS EXPERIENCE OF THE MANAGER OR COMPANY IN OPERATING OR MANAGING SIMILAR FACILITIES;

(VIII) A DESCRIPTION OF ANY MATTER IN WHICH A PERSON IDENTIFIED IN ITEM (III)6 OF THIS PARAGRAPH:

1. HAS BEEN CONVICTED OF A FELONY OR PLEADED NOLO CONTENDERE TO A FELONY CHARGE, IF THE FELONY INVOLVED FRAUD, EMBEZZLEMENT, FRAUDULENT CONVERSION, OR MISAPPROPRIATION OF PROPERTY;

2. HAS BEEN HELD LIABLE OR ENJOINED IN A CIVIL ACTION BY FINAL JUDGMENT, IF THE CIVIL ACTION INVOLVED FRAUD, EMBEZZLEMENT, FRAUDULENT CONVERSION, OR MISAPPROPRIATION AS A FIDUCIARY;

3. WAS SUBJECT TO AN EFFECTIVE INJUNCTIVE OR RESTRICTIVE ORDER OF A COURT OF RECORD IN AN ACTION THAT AROSE OUT OF OR RELATED TO BUSINESS ACTIVITY OR HEALTH CARE, INCLUDING AN ACTION THAT AFFECTED A LICENSE TO OPERATE A FACILITY OR SERVICE FOR SENIOR, IMPAIRED, OR DEPENDENT PERSONS; OR

4. WITHIN THE PAST 10 YEARS, HAD A STATE OR FEDERAL LICENSE OR PERMIT SUSPENDED OR REVOKED BECAUSE OF AN ACTION BROUGHT BY A GOVERNMENTAL UNIT ARISING OUT OF OR RELATING TO BUSINESS ACTIVITY OR HEALTH CARE, INCLUDING ACTIONS AFFECTING A LICENSE TO OPERATE A FACILITY OR SERVICE FOR SENIOR, IMPAIRED, OR DEPENDENT PERSONS;

(IX) A FINANCIAL PLAN PROVIDED BY THE ENTITY THAT WILL BE THE PROVIDER AFTER THE PROPOSED SALE OR OTHER TRANSFER IS COMPLETED IN A FORM REASONABLY ACCEPTABLE TO THE DEPARTMENT THAT DEMONSTRATES THE PROJECTED EFFECTS OF THE SALE OR TRANSFER ON THE FINANCIAL OPERATIONS OF THE PROVIDER AND THE FACILITY, INCLUDING ANY OBLIGATIONS OF THE PROVIDER TO MAKE PAYMENTS IN CONNECTION WITH THE SALE OR TRANSFER FROM THE FINANCIAL RESOURCES OF THE PROVIDER OR THE FACILITY; AND

(X) A STATEMENT BY THE ENTITY THAT WILL BE THE PROVIDER AFTER THE PROPOSED SALE OR TRANSFER IS COMPLETED THAT DEMONSTRATES THAT THE SALE OR TRANSFER IS NOT LIKELY TO HAVE AN UNREASONABLY ADVERSE EFFECT ON:

1. THE PROVIDER'S FINANCIAL STABILITY; OR

2. THE PROVIDER'S CAPACITY TO PERFORM ITS CONTINUING CARE AGREEMENT OBLIGATIONS TO SUBSCRIBERS.

(2) IN ADDITION TO THE INFORMATION REQUIRED TO BE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PROVIDER SUBJECT TO § 10-432(B) OF THIS SUBTITLE AND ANY PROPOSED NEW PROVIDER SHALL PROVIDE TO THE DEPARTMENT ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES TO EVALUATE THE PROPOSED TRANSACTION.