

(2) THE DEPARTMENT SHALL MAKE THE DETERMINATION WITHIN 50 DAYS AFTER THE DATE OF THE NOTICE REQUIRED UNDER § 10-433(A)(2) OF THIS SUBTITLE UNLESS EXTENDED BY THE DEPARTMENT FOR GOOD CAUSE.

(3) THE DEPARTMENT SHALL NOTIFY THE EXISTING PROVIDER, ANY PROPOSED NEW PROVIDER, AND THE SUBSCRIBER REPRESENTATIVES IN WRITING OF THE DETERMINATION AND THE REASONS FOR IT AND, IF APPLICABLE, THAT THE DEPARTMENT INTENDS TO TRANSFER THE CERTIFICATE OF REGISTRATION TO THE NEW PROVIDER.

(B) STANDARD FOR APPROVAL.

THE DEPARTMENT SHALL APPROVE A SALE OR OTHER TRANSFER OF OWNERSHIP OR CONTROL UNLESS THE DEPARTMENT DETERMINES THAT THE SALE OR TRANSFER IS LIKELY TO HAVE AN UNREASONABLY ADVERSE EFFECT ON:

(1) THE FINANCIAL STABILITY OF THE PROVIDER; OR

(2) THE CAPACITY OF THE PROVIDER TO PERFORM CONTINUING CARE AGREEMENT OBLIGATIONS TO SUBSCRIBERS.

(C) APPEAL OF DECISION.

(1) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, THE PROVIDER MAY APPEAL THE DEPARTMENT'S DECISION ON THE PROPOSED SALE OR TRANSFER.

(2) A PERSON OTHER THAN THE PROVIDER MAY NOT APPEAL THE DEPARTMENT'S DECISION OR BE A PARTY IN INTEREST TO THE PROCEEDINGS.

(3) THE DEPARTMENT SHALL GIVE PROMPT NOTICE OF ANY APPEAL AND OF ANY DECISION ISSUED IN THE APPEAL TO THE SUBSCRIBER REPRESENTATIVES.

(D) COMPLETION OF SALE OR TRANSFER.

A SALE OR OTHER TRANSFER OF OWNERSHIP OR CONTROL SUBJECT TO THIS SECTION AND §§ 10-432 THROUGH 10-434 OF THIS SUBTITLE MAY NOT BE COMPLETED UNTIL 15 DAYS AFTER THE LATER OF:

(1) THE DAY THE DEPARTMENT ISSUES THE NOTICE REQUIRED UNDER SUBSECTION (A)(3) OF THIS SECTION OF ITS DECISION TO APPROVE THE SALE OR TRANSFER; OR

(2) IF AN APPEAL IS TAKEN UNDER SUBSECTION (C) OF THIS SECTION, THE DAY THE ADMINISTRATIVE LAW JUDGE ISSUES A DECISION TO ALLOW THE SALE OR TRANSFER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, § 11D(c), (d), (e), and (f).

In subsection (c)(1) of this section, the reference to "Title 10, Subtitle 2 of the State Government Article" is substituted for the former reference to