

DEPARTMENT APPROVES THE SALE, TRANSFER, OR DISPOSITION IN ACCORDANCE WITH §§ 10-437 AND 10-438 OF THIS SUBTITLE.

(2) A PROVIDER MAY NOT SELL, TRANSFER, OR OTHERWISE DISPOSE OF ASSETS EQUAL TO OR LESS THAN 10% OF ITS TOTAL ASSETS IF THE SALE, TRANSFER, OR DISPOSITION IS LIKELY, ACCORDING TO STANDARDS SET BY REGULATION, TO HAVE AN UNREASONABLY ADVERSE EFFECT ON:

(I) THE FINANCIAL STABILITY OF THE PROVIDER; OR

(II) THE CAPACITY OF THE PROVIDER TO PERFORM ITS OBLIGATIONS UNDER ITS CONTINUING CARE AGREEMENTS.

(3) DETERMINATIONS OF TOTAL ASSETS SHALL BE BASED ON THE PROVIDER'S LATEST CERTIFIED FINANCIAL STATEMENTS AVAILABLE AT THE TIME THE SALE, TRANSFER, OR OTHER DISPOSITION IS MADE.

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

In the introductory language of subsection (a) of this section, the phrase "[t]his section does not apply to" is substituted for the former phrase "[t]he following transactions are not considered sales, transfers, or other dispositions of assets for purposes of subsection (a) of this section" for brevity.

In subsection (a)(8) of this section, the phrase "exempted by the Department by regulation" is substituted for the former phrase "identified by the Department in regulations as appropriate to fall within this subsection" for brevity and clarity.

In subsection (b)(1) of this section, the phrase "unless the Department approves" is substituted for the former phrase "unless the provider obtains the approval of the Department" for brevity.

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

"Continuing care agreement" § 10-401

"Department" § 10-101

"Expansion" § 10-401

"Facility" § 10-401

"Provider" § 10-401

"Renovation" § 10-401

10-437. SALE OR TRANSFER OF ASSETS — NOTICES TO DEPARTMENT.

(A) IN GENERAL.

A PROVIDER SUBJECT TO § 10-436(B)(1) OF THIS SUBTITLE SHALL:

(1) AT LEAST 60 DAYS BEFORE THE SALE, TRANSFER, OR OTHER DISPOSITION, FILE WITH THE DEPARTMENT A STATEMENT OF INTENT TO SELL, TRANSFER, OR OTHERWISE DISPOSE OF ASSETS; AND