

(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, TRANSFER, OR OTHER DISPOSITION OF ASSETS.

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

(E) COMPLETION OF TRANSFER OR OTHER DISPOSITION.

A SALE, TRANSFER, OR OTHER DISPOSITION OF ASSETS SUBJECT TO THIS PART MAY NOT BE COMPLETED UNTIL 5 DAYS AFTER THE LATER OF:

(1) THE DAY THE DEPARTMENT ISSUES THE NOTICE REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION OF ITS DECISION TO APPROVE THE SALE, TRANSFER, OR OTHER DISPOSITION; OR

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

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

In subsection (a)(2) of this section, the requirement that the Department "notify" the provider of its determination is substituted for the former requirement that the determination be "communicated to" the provider for clarity. Similarly, in subsection (a)(3) of this section, the reference to the written "notice" is substituted for the former reference to the written "communication".

In subsection (b)(2) of this section, the reference to "its" continuing care agreements is substituted for the former reference to the continuing care agreements "to which it is a party" for brevity.

In subsection (c)(2) of this section, the requirement that the Department approve a proposed transaction "[i]f the Department determines that the provider has met the objective financial standards" is substituted for the former phrase "satisfaction of which will result in approval" for clarity.

In subsection (c)(3) of this section, the authority for the Department to approve a proposed transaction "if it satisfies the requirements set forth in subsection (b) of this section" is substituted for the former prohibition that "[t]hose objective standards may not be the only basis on which a determination can be made that a proposed [transaction] satisfies the condition" set forth in subsection (b) of this section for brevity and clarity.

In subsection (d)(1) of this section, the reference to "Title 10, Subtitle 2 of the State Government Article" is substituted for the former reference to the "Administrative Procedure Act" for clarity and accuracy.

In subsection (d)(2) of this section, the phrase "[a] person other than the provider may not ... be" a party in interest is substituted for the former