

phrase "[n]o other person shall be deemed to be" a party in interest for clarity.

In the introductory language of subsection (e) and in subsection (e)(2) of this section, the reference to a "sale", transfer, or other disposition is added for consistency within this section. Similarly, in subsection (e)(1) of this section, the reference to a sale, transfer, "or other disposition" is added. These additions are called to the attention of the General Assembly.

In subsection (e)(2) of this section, the former reference to a "hearing officer" is deleted as obsolete.

Defined terms: "Continuing care agreement" § 10-401

"Department" § 10-101

"Person" §§ 1-101, 10-401

"Provider" § 10-401

10-439. TERMINATION OF OR FAILURE TO RENEW LEASE AFTER CONVERSION.

A PROVIDER WHOSE FACILITY HAS BEEN THE SUBJECT OF A CONVERSION MAY NOT TERMINATE OR FAIL TO RENEW A LEASE FOR AN ACCOMMODATION IN ORDER TO ENTER INTO A CONTINUING CARE AGREEMENT FOR THAT ACCOMMODATION.

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

Defined terms: "Continuing care agreement" § 10-401

"Conversion" § 10-401

"Facility" § 10-401

"Provider" § 10-401

10-440. REMOVAL OF RECORDS OR ASSETS FROM STATE.

(A) IN GENERAL.

A PROVIDER MAY NOT REMOVE A RECORD OR ASSET OF THE PROVIDER RELATED TO THE OPERATION OF A FACILITY OR THE PROVISION OF SERVICES UNDER A CONTINUING CARE AGREEMENT FROM THE STATE UNLESS THE DEPARTMENT CONSENTS IN WRITING.

(B) CONSENT OF DEPARTMENT.

CONSENT SHALL BE BASED ON THE PROVIDER'S SUBMISSION OF SATISFACTORY EVIDENCE THAT THE REMOVAL:

(1) WILL FACILITATE AND MAKE THE OPERATIONS OF THE PROVIDER MORE ECONOMICAL; AND

(2) WILL NOT DIMINISH THE SERVICE OR PROTECTION TO BE GIVEN TO THE PROVIDER'S SUBSCRIBERS IN THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, § 12.