

10-445. CONTINUING CARE AGREEMENTS — APPROVAL BY DEPARTMENT; AVAILABILITY FOR INSPECTION.

(A) APPROVAL BY DEPARTMENT.

(1) IF A PROVIDER'S FEASIBILITY STUDY HAS BEEN APPROVED UNDER § 10-409 OF THIS SUBTITLE, THE DEPARTMENT SHALL DECIDE WHETHER TO APPROVE A CONTINUING CARE AGREEMENT WITHIN 180 DAYS AFTER RECEIPT OF A COMPLETE AGREEMENT.

(2) IF THE DEPARTMENT DOES NOT ACT WITHIN 180 DAYS, THE AGREEMENT IS DEEMED APPROVED.

(B) AVAILABILITY FOR INSPECTION.

THE PROVIDER SHALL MAINTAIN THE CONTINUING CARE AGREEMENT AT THE FACILITY AND MAKE IT AVAILABLE FOR INSPECTION BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER TITLE 19, SUBTITLE 18, OF THE HEALTH - GENERAL ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, § 13(c) and (e).

In subsection (b) of this section, the reference to "at the facility" is substituted for the former reference to "on site" for clarity.

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

"Department" § 10-101

"Facility" § 10-401

"Provider" § 10-401

10-446. RESCISSION OF AGREEMENT; WITHDRAWAL OF APPLICATION.

(A) RIGHT TO RESCIND.

A SUBSCRIBER MAY RESCIND A CONTINUING CARE AGREEMENT FOR ANY REASON BEFORE THE DATE OF OCCUPANCY BY THE SUBSCRIBER.

(B) REFUND — AUTOMATIC CANCELLATION.

(1) A CONTINUING CARE AGREEMENT IS AUTOMATICALLY CANCELED IF, BEFORE THE DATE OF OCCUPANCY:

(I) THE SUBSCRIBER DIES;

(II) THE PROVIDER DETERMINES THAT THE SUBSCRIBER IS INELIGIBLE FOR ADMISSION TO THE FACILITY; OR

(III) THE SUBSCRIBER TERMINATES THE CONTINUING CARE AGREEMENT BECAUSE OF A SUBSTANTIAL CHANGE IN THE SUBSCRIBER'S PHYSICAL, MENTAL, OR FINANCIAL CONDITION.