

IF A CONTINUING CARE AGREEMENT IS TERMINATED BY THE SUBSCRIBER'S ELECTION OR DEATH WITHIN THE FIRST 90 DAYS OF OCCUPANCY, THE PROVIDER SHALL PAY ANY CONTRACTUAL ENTRANCE FEE REFUND WITHIN 30 DAYS AFTER THE EARLIER TO OCCUR OF:

(1) THE RECONTRACTING OF THE SUBSCRIBER'S UNIT BY:

(I) ANOTHER SUBSCRIBER FOR WHOM AN ENTRANCE FEE HAS BEEN PAID; OR

(II) ANOTHER PARTY WHO IS NOT A SUBSCRIBER; OR

(2) THE LATER TO OCCUR OF:

(I) THE 90TH DAY AFTER THE DATE THE WRITTEN TERMINATION NOTICE IS GIVEN OR THE DATE OF DEATH; OR

(II) THE DAY THE INDEPENDENT LIVING UNITS AT THE FACILITY HAVE OPERATED AT 95% OF CAPACITY FOR THE PREVIOUS 6 MONTHS.

(C) TERMINATION AFTER FIRST 90 DAYS OF OCCUPANCY.

IF A CONTINUING CARE AGREEMENT IS TERMINATED BY THE SUBSCRIBER'S ELECTION OR DEATH AFTER THE FIRST 90 DAYS OF OCCUPANCY, THE PROVIDER SHALL PAY ANY CONTRACTUAL ENTRANCE FEE REFUND WITHIN 60 DAYS AFTER THE SUBSCRIBER'S DEATH OR THE EFFECTIVE DATE OF TERMINATION, IF ON THE DATE OF DEATH OR AT ANY TIME BETWEEN THE DATE THE WRITTEN TERMINATION NOTICE IS GIVEN AND THE EFFECTIVE DATE OF TERMINATION:

(1) THE SUBSCRIBER RESIDES IN A UNIT AT A HIGHER LEVEL OF CARE THAN THE LEVEL OF CARE IN WHICH THE SUBSCRIBER RESIDED ON INITIALLY ENTERING THE FACILITY; AND

(2) THE LAST UNIT IN WHICH THE SUBSCRIBER RESIDED AT THE INITIAL LEVEL OF CARE ON ENTERING THE FACILITY HAS BEEN OCCUPIED BY OR RESERVED FOR ANOTHER SUBSCRIBER WHO HAS PAID AN ENTRANCE FEE.

(D) CONSTRUCTION.

THIS SECTION DOES NOT PROHIBIT A PROVIDER FROM REQUIRING THAT A SUBSCRIBER'S UNIT BE VACATED BEFORE ANY CONTRACTUAL ENTRANCE FEE REFUND IS PAID AS A RESULT OF THE SUBSCRIBER'S ELECTION TO TERMINATE A CONTINUING CARE AGREEMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, § 15A.

In subsection (a) of this section, the former reference to allowing a subscriber "to elect" to terminate the agreement is deleted as surplusage.

In subsection (c) of this section, the former reference to a subscriber "no longer resid[ing] in a unit at the level of care in which the subscriber resided upon initially entering the facility" is deleted as included in the