

(VI) THE FORM AND SUBSTANCE OF ANY PROPOSED ADVERTISEMENTS, ADVERTISING CAMPAIGNS, OR OTHER PROMOTIONAL MATERIALS FOR THE PROGRAM THAT IS AVAILABLE AT THE TIME OF FILING;

(VII) A DETAILED STATEMENT OF THE COVERED SERVICES; AND

(VIII) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

(D) APPROVAL.

THE DEPARTMENT SHALL APPROVE A FEASIBILITY STUDY FILED UNDER THIS SECTION IF THE DEPARTMENT DETERMINES THAT:

(1) THE PROPOSED USE OF NEW OR EXISTING HEALTH FACILITIES IS NOT INCONSISTENT WITH THE STATE HEALTH PLAN;

(2) A REASONABLE FINANCIAL PLAN HAS BEEN DEVELOPED TO PROVIDE CONTINUING CARE AT HOME SERVICES, INCLUDING THE NUMBER OF AGREEMENTS TO BE EXECUTED BEFORE BEGINNING OPERATIONS AND THE CRITERIA TO RELEASE FUNDS FROM ESCROW;

(3) A MARKET FOR THE CONTINUING CARE AT HOME PROGRAM APPEARS TO EXIST;

(4) THE FEASIBILITY STUDY WAS PREPARED BY A RECOGNIZED AUTHORITY;

(5) THE PROVIDER HAS SUBMITTED ALL PROPOSED ADVERTISEMENTS, ADVERTISING CAMPAIGNS, AND OTHER PROMOTIONAL MATERIALS FOR THE PROGRAM;

(6) THE FORM AND SUBSTANCE OF ALL ADVERTISEMENTS, ADVERTISING CAMPAIGNS, AND OTHER PROMOTIONAL MATERIALS SUBMITTED ARE NOT DECEPTIVE, MISLEADING, OR LIKELY TO MISLEAD;

(7) THE ACTUARIAL FORECAST SUPPORTS THE MARKET FOR THE PROGRAM;

(8) THE APPROVED ESCROW AGREEMENT AND DEPOSIT AGREEMENT STATE THE CONDITIONS FOR THE RELEASE OF DEPOSITS AND ENTRANCE FEES FROM ESCROW;

(9) A COPY OF THE ESCROW AGREEMENT EXECUTED BY THE PROVIDER AND THE FINANCIAL INSTITUTION HAS BEEN FILED WITH THE DEPARTMENT; AND

(10) ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT HAS BEEN SUBMITTED AND APPROVED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, § 22A(d), (e), and (f).

In subsection (d)(6) of this section, the former reference to being "approved by the Department" is deleted as redundant.