

"Financial difficulty" § 10-401

"Provider" § 10-401

"Secretary" § 10-101

10-467. FINAL DETERMINATION OF FINANCIAL DIFFICULTY.

(A) IN GENERAL.

WITHIN 25 DAYS AFTER RECEIPT OF THE COMMITTEE'S RECOMMENDATIONS, THE DEPARTMENT SHALL CONSIDER THE RECOMMENDATIONS AND MAKE A FINAL DETERMINATION OF WHETHER FINANCIAL DIFFICULTY EXISTS AND, IF SO, WHETHER THERE IS A SIGNIFICANT RISK OF FINANCIAL FAILURE IN ACCORDANCE WITH § 10-469 OF THIS SUBTITLE.

(B) NOTICE TO PROVIDER.

IF THE DEPARTMENT DETERMINES THAT THE PROVIDER IS IN FINANCIAL DIFFICULTY IT SHALL IMMEDIATELY NOTIFY THE PROVIDER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND INFORM THE PROVIDER WHETHER THE DEPARTMENT HAS DETERMINED THAT THERE IS A SIGNIFICANT RISK OF FINANCIAL FAILURE.

(C) MEETING WITH REPRESENTATIVES OF SUBSCRIBERS.

THE PROVIDER SHALL:

(1) ADVISE ITS SUBSCRIBERS OF THE DEPARTMENT'S DETERMINATION IN A MEETING TO BE HELD BY THE PROVIDER WITH REPRESENTATIVES OF THE SUBSCRIBERS;

(2) HOLD THE MEETING WITHIN 10 DAYS AFTER THE PROVIDER'S RECEIPT OF NOTICE FROM THE DEPARTMENT; AND

(3) ADVISE THE DEPARTMENT OF THE DATE, TIME, AND LOCATION OF THE MEETING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, § 17A(d).

In subsection (a) of this section, the phrase "after receipt of" is substituted for the former phrase "of being notified of" for clarity.

Also in subsection (a) of this section, the phrase "and, if so," is substituted for the former word "including" to clarify that only if the provider is found in financial difficulty could there be a finding of a significant risk of financial failure.

Defined terms: "Committee" § 10-463

"Department" § 10-101

"Financial difficulty" § 10-401

"Provider" § 10-401

"Subscriber" § 10-401