

~~(D) (1) "CONTROLLING PERSON" MEANS A PERSON WHO HAS THE ABILITY, ACTING ALONE OR IN CONCERT WITH OTHERS, TO DIRECTLY OR INDIRECTLY INFLUENCE, DIRECT, OR CAUSE THE DIRECTION OF THE MANAGEMENT, EXPENDITURE OF MONEY, OR POLICIES OF A NURSING HOME OR ANOTHER PERSON.~~

~~(2) "CONTROLLING PERSON" INCLUDES:~~

~~(I) A MANAGEMENT COMPANY, LANDLORD, OR OTHER BUSINESS ENTITY THAT OPERATES OR CONTRACTS WITH OTHERS FOR THE OPERATION OF A NURSING HOME;~~

~~(II) ANY PERSON WHO IS A CONTROLLING PERSON OF A MANAGEMENT COMPANY OR OTHER BUSINESS ENTITY THAT OPERATES A NURSING HOME OR THAT CONTRACTS WITH ANOTHER PERSON FOR THE OPERATION OF A NURSING HOME; AND~~

~~(III) ANY OTHER INDIVIDUAL WHO, BECAUSE OF A PERSONAL, FAMILIAL, OR OTHER RELATIONSHIP WITH THE OWNER, MANAGER, LANDLORD, OR TENANT OF A NURSING HOME IS IN A POSITION OF ACTUAL CONTROL OR AUTHORITY WITH RESPECT TO THE NURSING HOME, WITHOUT REGARD TO WHETHER THE INDIVIDUAL IS FORMALLY NAMED AS AN OWNER, MANAGER, DIRECTOR, OFFICER, PROVIDER, CONSULTANT, CONTRACTOR, OR EMPLOYEE OF THE NURSING HOME.~~

~~(3) "CONTROLLING PERSON" DOES NOT INCLUDE A PERSON, INCLUDING AN EMPLOYEE, A LENDER, A SECURED CREDITOR, OR A LANDLORD, WHO DOES NOT EXERCISE ANY INFLUENCE OR CONTROL, WHETHER FORMAL OR ACTUAL, OVER THE OPERATION OF A NURSING HOME.~~

~~[(d)] (E) "Deficiency" means a condition existing in a nursing home or an action or inaction by the nursing home staff that results in potential for more than minimal harm, actual harm, or serious and immediate threat to one or more residents.~~

~~[(e)] (F) "Nursing home" means a facility (other than a facility offering domiciliary or personal care as defined in Subtitle 3 of this title) which offers nonacute inpatient care to patients suffering from a disease, chronic illness, condition, disability of advanced age, or terminal disease requiring maximal nursing care without continuous hospital services and who require medical services and nursing services rendered by or under the supervision of a licensed nurse together with convalescent, restorative, or rehabilitative services.~~