

Article - Health - General

§24–1401.

(a) In this subtitle the following words have the meanings indicated.

(b) “Facility” means:

(1) (i) A public nursing facility that is wholly owned by and operated under the authority of a county or a municipal corporation, or both; or

(ii) A nonprofit nursing facility that is wholly owned by and operated under the authority of a nonprofit organization;

(2) A facility that meets the definition of § 19–1401 of this article; and

(3) A facility that is licensed by the Department.

(c) “Nonprofit organization” means:

(1) A bona fide religious organization, no part of the earnings of which inures to the benefit of any individual or is used for any purpose other than the maintenance and operation of the facility, the purchase of equipment to be used in the facility, or the expansion of the facility; or

(2) An organization:

(i) That is chartered as a nonprofit corporation and classified by the Internal Revenue Service as nonprofit; and

(ii) No part of the earnings of which inures to the benefit of any individual or is used for any purpose other than the maintenance and operation of the facility, the purchase of equipment to be used in the facility, or the expansion of the facility.

(d) “Wholly owned” includes leased, if:

(1) (i) The lease is for a minimum term of 30 years following project completion; or

(ii) The lease agreement extends the right of purchase to the lessee;
and

(2) The lessor consents to the recording, in the land records of the political subdivision in which the facility is located, of a notice of the State’s right of recovery, as provided under § 24–606 of this title; or

(3) The lease agreement is with the State for a State–owned building or State–owned property.