

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 543

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Boozer” and substitute “Boozer, and Bromwell”; in line 13, after “facilities;” insert “altering the time period within which a subscriber may rescind a continuing care agreement for certain purposes;”.

AMENDMENT NO. 2

On page 2, in lines 32 and 36, in each instance, strike “THEN,” and substitute “, THEN”.

On page 3, in line 28, after “FOR” insert “OR”.

On page 4, in lines 36 and 37, strike “COST ENOUGH TO CONSTITUTE A RENOVATION” and substitute “MEET THE STANDARD OF § 7(O) OF THIS SUBTITLE”.

AMENDMENT NO. 3

On page 7, in line 26, strike “, INCLUDING” and substitute “AND”.

On page 11, in lines 13, 20, and 36, in each instance, strike “AFFECT” and substitute “EFFECT”.

AMENDMENT NO. 4

On page 12, in line 4, strike “AFFECT” and substitute “EFFECT”; in line 41, after “(B)” insert “EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,”.

On page 13, in line 26, strike “AS OF THE EFFECTIVE DATE OF THIS SECTION” and substitute “ON OCTOBER 1, 1996”; in lines 27 and 31, in each instance, strike “THE EFFECTIVE DATE” and substitute “OCTOBER 1, 1996”.

(Over)

On pages 13 and 14, strike beginning with line 37 on page 13 through line 14 on page 14, inclusive, and substitute:

“(H) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A PROVIDER THAT DOES NOT BY OCTOBER 1, 1996 HOLD A CERTIFICATE OF REGISTRATION OR A PRELIMINARY CERTIFICATE OF REGISTRATION OR RECEIVE APPROVAL BY THE OFFICE ON AGING OF THE PROVIDER’S FEASIBILITY STUDY MUST MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION FROM THE END OF THE SECOND FULL FISCAL YEAR AFTER THE FISCAL YEAR IN WHICH THE PROVIDER MAY OBTAIN, UNDER §11 (C) OF THIS SUBTITLE, THE USE OF FUNDS HELD IN ESCROW.

(2) FOR THE TIME SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION, A PROVIDER THAT DOES NOT BY OCTOBER 1, 1996 HOLD A CERTIFICATE OF REGISTRATION OR A PRELIMINARY CERTIFICATE OF REGISTRATION OR RECEIVE APPROVAL OF THE OFFICE ON AGING OF THE PROVIDER’S FEASIBILITY STUDY IS EXEMPT FROM THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION IF THE PROVIDER HAS A BINDING AGREEMENT WITH A FINANCIAL INSTITUTION, AS DEFINED IN § 1-101 OF THE FINANCIAL INSTITUTIONS ARTICLE, THAT UNCONDITIONALLY OBLIGATES THE FINANCIAL INSTITUTION TO FURNISH THE PROVIDER CREDIT IN AN AMOUNT AT LEAST EQUAL TO THE AMOUNT REQUIRED IN SUBSECTION (B) OF THIS SECTION.

(3) A PROVIDER MEETING THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION IS EXEMPT FROM THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION UNTIL THE EARLIER OF:

(I) THE END OF THE TENTH FULL FISCAL YEAR AFTER THE FISCAL YEAR IN WHICH THE PROVIDER MAY OBTAIN, UNDER § 11(C) OF THIS SUBTITLE, THE USE OF FUNDS HELD IN ESCROW; OR

(II) THE DATE ON WHICH THE BINDING AGREEMENT WITH A FINANCIAL INSTITUTION EXPIRES.”.

#### AMENDMENT NO. 5

On page 15, in line 31, after the first “THE” insert “AMOUNT AND”; in the same line, strike “ANNUAL PERCENTAGE” and substitute “FEE”; in line 35, strike “THAT PROVISIONS” and substitute “DESCRIBING PROVISIONS THAT”.

AMENDMENT NO. 6

On page 19, in lines 1, 6, 10, 14, 18, and 24, strike “A.”, “B.”, “C.”, “D.”, “E.”, and “F.”, respectively, and substitute “1.”, “2.”, “3.”, “4.”, “5.”, and “6.”, respectively; and in line 42, strike “(III)F” and substitute “(III)6”.

On page 20, in line 7, strike “(III)F” and substitute “(III)6”; in line 28, after “AN” insert “UNREASONABLY”; in line 29, after “OR” insert “UNREASONABLY”; strike in their entirety lines 32 and 33, inclusive, and substitute:

“(XI) ANY OTHER INFORMATION THAT THE OFFICE REQUIRES.”;

and in line 34, after the first “THE” insert “FIRST”.

On page 21, in line 4, after the first “THE” insert “FIRST”; in line 20, strike “AFFECT” and substitute “EFFECT”.

On page 22, in line 1, strike “OF”; in line 10, after “LIKELY” insert “, ACCORDING TO STANDARDS SET FORTH IN REGULATION,”; in the same line, after “TO” insert “: (I)”; in line 11, strike “OR LIKELY TO” and substitute “; OR (II)”; in line 12, strike “AFFECT” and substitute “EFFECT”; and strike in their entirety lines 40 and 41, inclusive, and substitute:

“(2) THE STATEMENT OF INTENT REQUIRED TO BE FILED WITH THE OFFICE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE FOLLOWING INFORMATION:”.

AMENDMENT NO. 7

On page 23, in line 10, strike “PARAGRAPH (1)(II)” and substitute “PARAGRAPH (1)”; in lines 15 and 34, in each instance, strike “AFFECT” and substitute “EFFECT”; strike in their entirety lines 18 and 19, inclusive, and substitute:

“(II) ANY OTHER INFORMATION THAT THE OFFICE REQUIRES.”;

and in line 25, strike “SUBSECTION (C)(II)” and substitute “SUBSECTION (C)(1)”.

AMENDMENT NO. 8

On page 26, in line 24, strike “30” and substitute “90”; and in line 28, strike “30-day” and substitute “90-DAY”.

AMENDMENT NO. 9

On page 29, strike in their entirety lines 37 through 41, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Office on Aging shall adopt regulations establishing objective standards, based on industry experience, for provider financial stability and capacity to carry out obligations under continuing care agreements in the event of a sale, transfer, or other disposition of assets equal to or less than 10% of the total assets of a provider; and

(b) Article 70B, § 11E(a)(2) of the Code, as enacted by this Act may not take effect until the Office on Aging adopts regulations as set forth in Section 2(a) of this Act.”.

On page 30, in line 1, after “That” insert “, except as provided in Section 2 of this Act,”.