

IF A PROVIDER TERMINATES A SUBSCRIBER'S CONTINUING CARE AGREEMENT FOR JUST CAUSE, THE PROVIDER SHALL PAY THE SUBSCRIBER A REFUND CALCULATED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, WITHIN 60 DAYS AFTER THE LATER OF:

- (1) THE DATE OF DISMISSAL OR DISCHARGE; OR
- (2) THE DATE THE SUBSCRIBER VACATES THE UNIT.

(C) CALCULATION OF REFUND.

(1) THE SUBSCRIBER'S REFUND SHALL EQUAL THE ENTRANCE FEE DIVIDED BY THE SUBSCRIBER'S YEARS OF EXPECTED LIFETIME AT ADMISSION, MULTIPLIED BY THE SUBSCRIBER'S YEARS OF EXPECTED LIFETIME AT DISMISSAL OR DISCHARGE.

(2) A SUBSCRIBER'S YEARS OF EXPECTED LIFETIME AT ADMISSION AND AT DISMISSAL OR DISCHARGE SHALL BE COMPUTED BASED ON THE APPROPRIATE TABLES MOST RECENTLY PUBLISHED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES AT THE TIME OF DISMISSAL OR DISCHARGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, § 15.

In subsection (a) of this section, the reference to the "dismissal or discharge" is substituted for the former reference to "such removal" for consistency throughout this section.

In the introductory language of subsection (b) of this section, the reference to terminating "a subscriber's continuing care agreement" is substituted for the former reference to terminating "a subscriber" for clarity and accuracy.

In subsection (c)(2) of this section, the phrase "at admission and at dismissal or discharge" is substituted for the former phrase "for both purposes" for clarity.

Defined terms: "Continuing care agreement" § 10-401

"Entrance fee" § 10-401

"Facility" § 10-401

"Provider" § 10-401

"Subscriber" § 10-401

10-449. CONTRACTUAL ENTRANCE FEE REFUND DUE TO TERMINATION OF CONTINUING CARE AGREEMENT BY SUBSCRIBER.

(A) ELECTION TO TERMINATE AGREEMENT.

A CONTINUING CARE AGREEMENT SHALL ALLOW A SUBSCRIBER TO TERMINATE THE AGREEMENT BY GIVING A WRITTEN TERMINATION NOTICE TO THE PROVIDER.

(B) TERMINATION WITHIN FIRST 90 DAYS OF OCCUPANCY.