

[First Reprint]

ASSEMBLY, No. 4477

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

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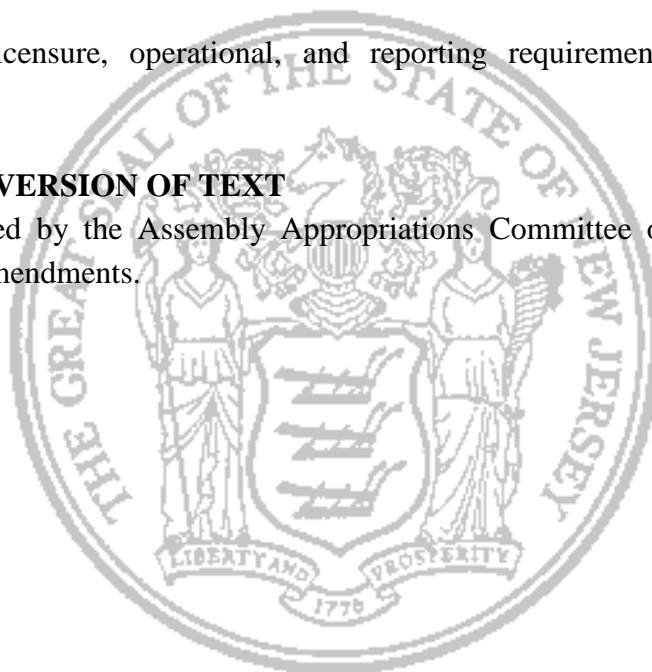
Assemblyman Benson, Assemblywomen Speight, Vainieri Huttie, McKnight, Assemblymen Caputo, Mejia, Assemblywomen Reynolds-Jackson, Mosquera, B.DeCroke, Jimenez, Lopez, Lampitt and Assemblyman Houghtaling

SYNOPSIS

Revises licensure, operational, and reporting requirements for nursing homes.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on October 26, 2020, with amendments.



(Sponsorship Updated As Of: 10/29/2020)

1 AN ACT concerning ¹**["long-term care facilities"] nursing homes¹** ,
 2 amending P.L.1987, c.322, and supplementing Title 26 of the
 3 Revised Statutes.

4
 5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:

7
 8 1. Section 1 of P.L.1987, c.322 (C.26:2H-7.2) is amended to read
 9 as follows:

10 1. Notwithstanding the provisions of section 7 of P.L.1971, c.136
 11 (C.26:2H-7) to the contrary, a nursing home which proposes to
 12 increase the total number of licensed beds contained therein by not
 13 more than 10 beds or 10% of its licensed bed capacity, whichever is
 14 less, within a period of five years is exempt from the requirement of
 15 obtaining a certificate of need if the nursing home is in compliance
 16 with all State regulations governing its operations. No ¹**["transfer of**
 17 a]¹ licensed bed that is added by a nursing home in accordance with
 18 the requirements of this section ¹**["to another nursing home"]¹** , and no
 19 ¹**["transfer of a"]¹ licensed bed that is part of an unimplemented**
 20 certificate of need ¹ , may be sold or transferred¹ to any other nursing
 21 home ¹**["**, shall be authorized except upon application for and receipt of
 22 a certificate of need as provided by P.L.1971, c.136 (C.26:2H-1 et
 23 seq.)]¹ . A nursing home that has removed beds from its license within
 24 the preceding five years shall not be eligible to increase its licensed
 25 bed capacity under the provisions of this section¹ .

26 (cf: P.L.1987, c.322, s.1)

27

28 2. (New section) a. ¹**["The transfer of ownership of a long-term**
 29 **care facility shall not require a certificate of need except when the**
 30 **proposed owner does not satisfy the Department of Health's track**
 31 **record review, including a review of the dashboard data for the facility**
 32 **published pursuant to subsection f. of section 3 of P.L. ,**
 33 **c. (C.) (pending before the Legislature as Senate Bill No. 2759**
 34 **or Assembly Bill No. 4478 of 2020/2021) for the preceding three**
 35 **years, if available.**

36 b.¹ Prior to transferring ownership of a ¹**["long-term care facility"]**
 37 **nursing home¹** , the prospective new owner shall submit an application
 38 to the ¹**["Long Term Care Licensing and Certification Program"]**
 39 **Department of Health¹** . The application shall include the following
 40 items:

41 (1) the transfer of ownership fee established by the department;

42 (2) a cover letter stating the applicant's intent to purchase the
 43 ¹**["long-term care facility"] nursing home¹** , and identification of the
 44 ¹**["facility"] nursing home¹** by name, address, county, and number and

EXPLANATION – Matter enclosed in bold-faced brackets **["thus"]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted October 26, 2020.

1 type of licensed beds;

2 (3) a description of the proposed transaction, including:

3 (a) identification of the current owners of the ¹‘[long-term care
4 facility] nursing home¹ ;

5 (b) identification of 100 percent of the proposed new owners,
6 including the names and addresses of all principals ¹and interested
7 parties¹ ; and

8 (c) if applicable, a copy of an organizational chart, including
9 parent corporations and wholly-owned subsidiaries;

10 (4) a copy of the agreement of sale and, if applicable, a copy of
11 any lease and management agreements;

12 (5) a projection of profits and losses for the next three years and a
13 capital budget projection for the next three years; and

14 (6) disclosure of any licensed health care facilities owned,
15 operated, or managed by the proposed owners and principals in any
16 state or territory of the United States or in the District of Columbia in
17 the preceding ¹‘[five] three¹ years, along with ¹‘[audited] owner-
18 certified¹ financial statements for each such facility for the last three
19 years during which the facility was owned, operated, or managed by
20 ¹‘[the third party entity] owner or principal¹ . If the owners or
21 principals own, operate, or manage facilities located outside New
22 Jersey, the application shall include ¹‘[letters from the regulatory
23 agency in each jurisdiction in which a facility is owned, operated, or
24 managed, verifying that the facility was operated in substantial
25 compliance with the laws of that jurisdiction throughout the preceding
26 five year period or for such time during that period as the third party
27 entity owned, operated, or managed the facility, and that the facility
28 has had no] disclosures by the applicant as to any¹ enforcement
29 actions imposed during that period of time ¹against any facility owned,
30 operated, or managed by the applicant in any jurisdiction.

31 The applicant may additionally submit a summary of the
32 application materials that includes such details concerning the
33 application as are required by the department, but that omits any
34 proprietary information in the contracts for the sale or management of
35 the nursing home, and any home addresses, social security numbers, or
36 other personal information of any proposed owner, principal, or
37 interested party. A summary prepared by the applicant may only be
38 used for the purposes of posting information concerning the
39 application on the department’s Internet website pursuant to paragraph
40 (1) of subsection e. of this section.

41 b. Information submitted pursuant to subsection a. of this section
42 by an applicant for transfer of ownership of a nursing home shall not
43 be used in any adverse licensure action or disciplinary action against
44 the applicant¹ .

45 c. Approval of a transfer of ownership of a ¹‘[long-term care
46 facility] nursing home¹ is contingent upon:

1 (1) a review of the applicant's ¹track record by the department,
2 including a review of the dashboard data published pursuant to
3 subsection f. of section 3 of P.L. , c. (C.) (pending before the
4 Legislature as Senate Bill No. 2759 or Assembly Bill No. 4478 of
5 2020/2021) for] history of disciplinary actions assessed in connection
6 with¹ any other facility owned, operated, or managed by the proposed
7 owners and principals in New Jersey, and a determination based on
8 that review that approval of the transfer of ownership will not present a
9 material risk to the health, safety, or welfare of residents of the
10 ¹[facility] nursing home¹ that is the subject of the transfer application;

11 (2) payment of all outstanding ¹and issued¹ Medicaid audit claims
12 and State penalties issued by the department against the current owner,
13 ¹[or] unless such claims remain under appeal, in which case, if the
14 claim remains under appeal, the applicant shall submit¹ written
15 verification ¹[by the applicant]¹ that ¹either¹ the applicant ¹or the
16 current owners of the nursing home¹ will assume responsibility for
17 payment of such audit ¹[findings] recoveries¹ and State penalties ¹at
18 the conclusion of the appeal¹ ; and

19 (3) ¹consistent with the requirements of subsection d. of this
20 section,¹ a criminal history background check of each proposed owner
21 and principal and a determination that no proposed owner or principal
22 has a prior conviction involving fraud or any other criminal offense of
23 a financial nature, or a prior conviction that may bear on the health and
24 safety of residents of a long-term care facility, including, but not
25 limited to, a prior conviction involving abuse, neglect, or exploitation
26 of any person.

27 d. For the purposes of paragraph (3) of subsection c. of this
28 section, the department is authorized to exchange fingerprint data with
29 and receive criminal history record background information from the
30 Division of State Police and the Federal Bureau of Investigation
31 consistent with the provisions of applicable federal and State laws,
32 rules, and regulations. Upon receipt of such notification, the
33 department shall make a determination as to whether transferring all or
34 part of the ownership of a ¹[long-term care facility] nursing home¹ to
35 the applicant would constitute a material risk to the health, safety, or
36 welfare of residents of the ¹[facility] nursing home¹. An applicant for
37 a transfer of ownership of a ¹[long-term care facility] nursing home¹
38 who is required to complete a criminal history record background
39 check pursuant to this section shall submit to being fingerprinted in
40 accordance with applicable State and federal laws, rules, and
41 regulations. An applicant shall bear the cost for the criminal history
42 record background check, including all costs of administering and
43 processing the check. ¹The Division of State Police shall promptly
44 notify the department in the event that an individual who was the
45 subject of a criminal history record background check conducted
46 pursuant to paragraph (3) of subsection c. of this section is convicted

1 of a crime or offense in this State after the date the background check
2 was performed. Upon receipt of that notification, the department shall
3 make a determination regarding the continued eligibility for the
4 individual to be an owner or principal of a nursing home.¹

5 e. **¹["Transfer"]** (1) A copy of each transfer¹ of ownership
6 application ¹["materials"] , or a summary of the application prepared by
7 the applicant that includes the names of the proposed owners,
8 principals, and interested parties,¹ shall ¹be¹ published on the
9 department's Internet website **¹["and"]** no later than 30 days after the
10 date the department receives the application; provided that the
11 department shall redact the materials to the extent necessary to ensure
12 that no proprietary information in the contracts for the sale or
13 management of the nursing home, and no home addresses, social
14 security numbers, or other personal information of any proposed
15 owner, principal, or interested party, is included in the materials
16 published on the department's Internet website.

17 (2) Each application for the transfer of ownership of a nursing
18 home¹ shall be subject to ¹a¹ public comment **¹["for a"]** period **¹["of"]**
19 that shall commence¹ not less than 30 days **¹["following submission**
20 and publication of"] after the date¹ he application ¹is received by the
21 department, and which comment period shall remain open for a period
22 of not less than 30 days. The department shall establish a procedure
23 for acknowledging receipt of public comments submitted. The text of
24 comments submitted on a transfer of ownership application shall not
25 be published on the department's Internet website, but shall be
26 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
27 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.)¹ .

28 **¹["The department may"]** (3) Each nursing home that is the subject
29 of an application for a transfer of ownership shall¹ hold a public
30 hearing on the application ¹["upon request by the applicant, the current
31 owner, or at least 15 members of the public, in which case the"] no
32 earlier than 30 days after the date the application is received by the
33 department. Notice of the public hearing shall be published at least
34 seven days in advance of the public hearing on the Internet websites of
35 the department, the nursing home, and the applicant, as well as in at
36 least one newspaper published in each county, if any newspapers are
37 published therein. The nursing home shall invite the Attorney General
38 and the Commissioner of Health, or their designated representatives, to
39 attend the hearing. The transfer of ownership¹ application may not be
40 approved until after the public hearing is completed.

41 f. The department shall not issue final approval for a transfer of
42 ownership of a **¹["long-term care facility"]** nursing home¹ under this
43 section if the department identifies any unresolved issues or questions
44 concerning any proposed owner or principal identified in the
45 application. The department may issue conditional approval of the
46 transfer pending final resolution of all unresolved issues and questions,

1 subject to appointment of a receiver or temporary manager of the
2 facility at the applicant's expense. ¹["The department may enter into a
3 standing contract with a third party entity to provide receivership or
4 temporary management services for the purposes of this subsection. A
5 receiver or temporary manager appointed pursuant to this subsection
6 shall have the authority to:

7 (1) make any repairs, improvements, or expenditures necessary to
8 preserve the health and safety of residents and staff at the facility and
9 to ameliorate any condition presenting a significant risk to the health
10 or safety of residents or staff of the facility, and to direct the method or
11 procedures by which this shall be accomplished;

12 (2) hire employees as needed to maintain mandatory staffing
13 levels;

14 (3) receive or expend in a reasonable and prudent manner the
15 revenues of the facility during the appointment period;

16 (4) continue the business of the facility and the care of the
17 residents of the facility in all aspects;

18 (5) perform all acts necessary or appropriate to conserve the
19 property and promote the health, safety, and welfare of the residents of
20 the facility; and

21 (6) exercise any other powers or authority conferred by the
22 department by regulation or in the appointment agreement.¹

23 g. When a transfer of ownership application has been reviewed
24 and deemed acceptable, ¹the department shall send¹ an approval letter
25 ¹["from the Long-Term Care Licensing and Certification Program shall
26 be sent"]¹ to the applicant ¹["along with licensure application forms"]¹ .

27 h. Within five days after the transaction has been completed, the
28 applicant shall submit ¹["the following documents to the Long-Term
29 Care Licensing and Certification Program:

30 (1) completed licensure application forms;

31 (2) ¹to the department certification of closing from an attorney or¹
32 a notarized letter ¹from the applicant¹ stating the date on which the
33 transaction occurred ¹["; and

34 (3) a copy of a certificate of continuing occupancy from the local
35 township, or a letter from the township verifying a policy of not
36 issuing any such document for changes of ownership"] , along with an
37 executed bill of sale or assignment. To facilitate the timely transfer of
38 Medicare and Medicaid provider numbers, the department shall issue
39 the new license to the applicant no later than 30 days after the date the
40 notice is received by the department¹ .

41 i. ¹["The department shall provide for enhanced monitoring of
42 direct care loss ratios reported by a long-term care facility pursuant to
43 subsection c. of section 3 of P.L. , c. (C.) (pending before the
44 Legislature as Senate Bill No.2758 or Assembly Bill No.4482 of
45 2020/2021) for three years following a transfer of ownership of the
46 long-term care facility.

1 j. For a period of six months following the date a transfer of
 2 ownership of a long-term care facility is approved under this section,
 3 no other transfer of ownership of that long-term care facility shall be
 4 approved.

5 k. ¹ No ¹ **["long-term care facility"] nursing home¹** may delegate
 6 ¹ substantial¹ management ¹ control¹ of the ¹ **["facility"] nursing home's**
 7 operations¹ to a third party entity without ¹ providing¹ prior ¹ **["approval**
 8 **by"] written notice to**¹ the department. The ¹ notice provided by the¹
 9 owners of the facility ¹ **["shall submit"]**¹ to the department ¹ **["for**
 10 **approval"] shall include**¹ :

11 (1) a copy of the management agreement;

12 (2) an organizational chart of the third party entity's proposed
 13 management team for the ¹ **["facility"] nursing home¹** ;

14 (3) the names and addresses of all owners ¹ **["and"] ,¹ principals ¹,**
 15 and interested parties¹ of the third party entity; and

16 (4) a list of any other licensed health care facilities owned,
 17 operated, or managed by the third party entity in any state or territory
 18 of the United States or in the District of Columbia for the preceding
 19 ¹ **["five"] three**¹ years, along with ¹ **["audited"] owner-certified**¹ financial
 20 statements for each such facility for the last three years during which
 21 the facility was owned, operated, or managed by the third party entity.
 22 If the third party entity owned, operated, or managed facilities located
 23 outside New Jersey in the preceding ¹ **["five"] three**¹ years, the
 24 application shall include ¹ **["letters from the regulatory agency in each**
 25 **jurisdiction in which the third party entity owned, operated, or**
 26 **managed facility in the preceding five years verifying that the facility**
 27 **was operated in substantial compliance with the laws of that**
 28 **jurisdiction throughout the preceding five year period or for such time**
 29 **during that period as the third party entity owned, operated, or**
 30 **managed the facility, and that the facility has had no"] disclosures by**
 31 the third party entity of any¹ enforcement actions imposed during that
 32 period of time ¹ against any facility owned, operated, or managed by
 33 the third party entity in any jurisdiction¹ .

34 ¹ **["1.] j.**¹ (1) Upon request by the Commissioner of Health and
 35 subject to the provisions of P.L.1968, c.266 (C.52:9M-1 et seq.), the
 36 State Commission of Investigation shall undertake an investigation of
 37 one or more ¹ **["long-term care facilities"] nursing homes¹** in the State or
 38 the entities owning, operating, or managing one or ¹ **["long-term care**
 39 **facilities"] more nursing homes¹** in the State, provided that, if the
 40 commission determines that the request for an investigation from
 41 Commissioner of Health exceeds the commission's capacity to perform
 42 such investigations, the commission may advise the Commissioner of
 43 Health as to any requests upon which it finds itself unable to proceed.
 44 The State Commission of Investigation may, at any time, submit to the
 45 Governor, the Commissioners of Health and Human Services, and,
 46 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the

Legislature, recommendations for administrative or legislative action to improve oversight and transparency in ¹ **“long-term care facilities”** nursing homes¹ .

(2) Upon approval by the Senate President and the Speaker of the General Assembly, the State Auditor shall undertake an investigation of one or more ¹ **“long-term care facilities”** nursing homes¹ in the State or the entities owning, operating, or managing one or ¹ **“long-term care facilities”** more nursing homes¹ in the State.

(3) The State Auditor shall undertake a review of the oversight of ¹ **“long-term care facilities”** nursing homes¹ by the Department of Health and the Department of Human Services at least once every three years, with particular focus on compliance with federal inspection requirements, responses to complaints and response times in reviewing complaints, and actions taken to follow up on violations affecting the health, safety, or welfare of residents.

¹ **“m.”** k.¹ As used in this section and in section 3 of this act ¹ **“**, “principal”¹ :

“Interested party”¹ means any individual or entity with an interest of ¹ **“five percent or more”** one percent or more but less than 10 percent¹ in an applicant to receive a transfer of ownership of a ¹ **“long-term care facility”** nursing home or the land or other real property on which a nursing home is located.

“Principal” means any individual or entity with an interest of 10 percent or more in an applicant to receive a transfer of ownership of a nursing home or the land or real property on which a nursing home is located¹ .

3. (New section) a. ¹ **“The sale or transfer of the land or other real property on which a long-term care facility is located shall not require a certificate of need except when the proposed owner does not satisfy the Department of Health's track record review, including a review of the dashboard data published pursuant to subsection f. of section 3 of P.L. , c. (C.) (pending before the Legislature as Senate Bill No. 2759 or Assembly Bill No. 4478 of 2020/2021) for the facility for the preceding three years, if available.**

b.¹ Prior to selling or transferring ownership of the land or other real property on which a ¹ **“long-term care facility”** nursing home¹ is located, the prospective new owner shall submit ¹ **“an application to the Long Term Care Licensing and Certification Program. The application”** notice to the Department of Health and the Department of Human Services, which notice¹ shall include the following items:

(1) the sale or transfer of real property fee established by the ¹ **“department”** Department of Health¹ ;

(2) a cover letter stating the applicant's intent to purchase the land or other real property on which a ¹ **“long-term care facility”** nursing

- 1 home¹ is located, and identification of the ¹~~["facility"]~~ nursing home¹
2 by name, address, and county;
- 3 (3) a description of the proposed transaction, including:
- 4 (a) identification of the current owners of the land or other real
5 property on which a ¹~~["long-term care facility"]~~ nursing home¹ is
6 located;
- 7 (b) identification of 100 percent of the proposed new owners,
8 including the names and addresses of all principals ¹and interested
9 parties¹; and
- 10 (c) if applicable, a copy of an organizational chart, including
11 parent corporations and wholly-owned subsidiaries;
- 12 (4) a copy of the agreement of sale or transfer, the proposed terms
13 of the lease, rent, or use agreement with the ¹~~["long-term care facility"]~~
14 nursing home¹ and, if applicable, a copy of any management
15 agreements; and
- 16 (5) an attestation ¹~~["that"]~~ by¹ the new owners ¹of the land or other
17 real property that they¹ will lease, rent, or authorize use of the land or
18 other real property by the ¹~~["long-term care facility"]~~ nursing home¹ at
19 a rate that is ¹~~["no more than twice the prevailing"]~~ consistent with the¹
20 fair market ¹~~["rate"]~~ value¹ for the lease, rent, or use of ¹~~["real property~~
21 by a long-term care facility, as compared with comparable uses in
22 comparable locations and settings at the time the lease, rental, or use
23 agreement is executed"] similar facilities in the same market area.
- 24 b. A summary of the notice submitted pursuant to subsection a. of
25 this section, including the names of the prospective new owners, shall
26 be made available on the Department of Health's Internet website¹.
- 27 c. ¹~~["Sale and transfer of ownership application materials for the~~
28 land or real property on which a long-term care facility is located shall
29 be made available on the department's Internet website and shall be
30 subject to public comment for a period of not less than 30 days
31 following submission and publication of the application. The
32 department may hold a public hearing on the application upon request
33 by the applicant, the current owner, or at least 15 members of the
34 public, in which case the application may not be approved until after
35 the public hearing is completed.
- 36 d. The department shall not issue final approval for a sale or
37 transfer of ownership of the land or other real property on which a
38 long-term care facility is located under this section if the department
39 identifies any unresolved issues or questions concerning any proposed
40 owner or principal identified in the application.
- 41 e. (1) The owner of land or real property on which a long-term
42 care facility is located shall submit to the department a copy of any
43 lease, rent, or use agreement executed by the owner of the land or real
44 property and the long-term care facility on or after the effective date
45 of this act, which agreement shall be submitted to the department no
46 later than 30 days after the date the agreement is executed. The
47 department shall review the terms of the agreement and determine

1 whether the amount charged for the lease, rent, or use of the land or
2 real property exceeds more than twice the fair market value for the
3 lease, rent, or use of land or real property by a long-term care facility,
4 based on an assessment of comparable uses in comparable locations
5 and settings.

6 (2) If the department determines that the terms of the lease, rent, or
7 use agreement for land or real property by a long-term care facility
8 exceed twice the prevailing fair market rate for the lease, rent, or use
9 of real property by a long-term care facility, the department may:

10 (a) require the owner of the land or real property to reimburse the
11 long-term care facility the balance of any payments made for the lease,
12 rent, or use of the land or real property under the current agreement
13 that were in excess of twice the prevailing fair market value for the
14 lease, rent, or use of the real property by the long-term care facility;
15 and

16 (b) require the parties to the agreement to execute a revised
17 agreement under lease, rent, or use terms that do not exceed twice the
18 fair market rate for the lease, rent, or use of land or real property by a
19 long-term care facility.

20 (3) The owner of land or real property on which a long-term care
21 facility is located may request review of the department's
22 determination of the prevailing fair market value of the lease, rent, or
23 use of land or real property by a long-term care facility, which review
24 shall be conducted by the Commissioner of Health. The
25 commissioner's determination upon review shall constitute a final
26 agency decision subject to review by the Appellate Division of the
27 Superior Court】

28 (1) The Department of Human Services shall utilize the direct care
29 ratios reported pursuant to subsection c. of section 3 of P.L.2020, c.89
30 (C.30:4D-7cc) to determine the average rates for the lease, rent, or use
31 of land or other real property by nursing homes in the State, which
32 average rates shall be adjusted in each market area to account for
33 factors that affect the average lease, rent, or use rates in that market
34 area.

35 (2) The Department of Human Services shall have the authority to:

36 (a) establish a cap on the amount that may be paid by a nursing
37 home for the lease, rent, or use of land or other real property by the
38 nursing home;

39 (b) determine whether a nursing home is paying a lease, rent, or
40 use rate for land or other real property that significantly exceeds the
41 fair market value for similar facilities in the same market area to lease,
42 rent, or use land or other real property; and

43 (c) require that any lease, rent, or use rate paid by a nursing home
44 that significantly exceeds the fair market value for the lease, rent, or
45 use of similar facilities in that market area be reduced, for the duration
46 of the current lease, rent, or use agreement, to match the average lease,
47 rent, or use rate for similar facilities in the same market area¹ .

1 4. (New section) The Department of ¹Health shall use the
2 information reported by long-term care facilities pursuant to P.L. , c.
3 (C.) (pending before the Legislature as Senate Bill No. 2759 or
4 Assembly Bill No. 4478 of 2020/2021) to identify facilities] Human
5 Services shall utilize the direct care ratios reported pursuant to
6 subsection c. of section 3 of P.L.2020, c.89 (C.30:4D-7cc) to assist the
7 Department of Health identifying nursing homes¹ that may be in acute
8 financial distress or at risk of filing for bankruptcy protection ¹[, and].
9 The Department of Health shall¹ develop strategies to assist those
10 ¹[facilities in avoiding] nursing homes that are determined to be in
11 acute financial distress or at risk of filing for bankruptcy protection to
12 avoid¹ bankruptcy or the need to close. The ¹[department]
13 Department of Health¹ may, as appropriate:
14 a. Provide management support services and resources, as well as
15 any other supports as may be necessary and appropriate to avoid
16 bankruptcy proceedings or cessation of operations;
17 b. Initiate proceedings in a court of competent jurisdiction for the
18 appointment of a receiver for the ¹[long-term care facility] nursing
19 home¹ , which receiver shall have the powers and authorities conferred
20 by the order of receivership, which may include, but shall not be
21 limited to, the authority to:
22 (1) hire any consultants or to undertake any studies of the
23 ¹[facility] nursing home¹ the receiver deems appropriate;
24 (2) make any repairs or improvements as are necessary to ensure
25 the safety of ¹[facility] nursing home¹ residents and staff;
26 (3) hire or discharge any employees, including the administrator or
27 manager of the ¹[facility] nursing home¹ ;
28 (4) receive or expend in a reasonable and prudent manner the
29 revenues of the ¹[facility] nursing home¹ due on the date of the entry
30 of the order of receivership and to become due under such order;
31 (5) continue the business of the ¹[facility] nursing home¹ and the
32 care of the residents of the ¹[facility] nursing home¹ in all its aspects;
33 (6) do all acts necessary or appropriate to conserve the property
34 and promote the health, safety, and welfare of the residents of the
35 ¹[facility] nursing home¹ ; and
36 (7) exercise such other powers as the receiver deems necessary or
37 appropriate to implement the court order; and
38 c. Take such other steps and actions as may be available to ensure
39 continuity of care for, and the safety of, residents of the ¹[facility]
40 nursing home¹ .
41
42 5. This act shall take effect ¹[60] 120¹ days after the date of
43 enactment.