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Act No. 118 (H.635). Human services; long-term care facilities; receivership

An act relating to regulation of long-term care facilities

This act establishes a definition of “insolvent” for purposes of determining whether a long-term care facility should have a receiver appointed. It allows the Department of Disabilities, Aging, and Independent Living to take immediate enforcement action when necessary to eliminate a condition that can reasonably be expected to cause serious mental harm to residents or staff. Under the prior law, the Department could only take immediate enforcement action to eliminate a condition that was reasonably be expected to cause death or serious physical harm. The act also specifies that, in deciding whether to appoint a receiver for a long-term care facility, the court’s determination of whether the grounds for a receivership have been met must be based on the condition of the facility at the time the complaint requesting appointment of a receiver was filed.

Effective Date: June 23, 2020