

H.635

An act relating to regulation of long-term care facilities

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 33 V.S.A. § 7102 is amended to read:

§ 7102. DEFINITIONS

As used in this chapter:

* * *

(12) “Insolvent” means:

(A) having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(B) being unable to pay debts as they become due; or

(C) being insolvent within the meaning of federal bankruptcy law.

Sec. 2. 33 V.S.A. § 7110(b) is amended to read:

(b) The licensing agency may take immediate enforcement action when necessary to eliminate a condition ~~which~~ that can reasonably be expected to cause death or serious physical or mental harm to residents or staff before it can be eliminated through the provisions of section 7111 of this title. A licensing agency taking such action shall explain that action and the reasons for it in the notice of violation.

Sec. 3. 33 V.S.A. § 7206 is amended to read:

§ 7206. APPOINTMENT OF RECEIVER; HEARING AND ORDER

(a) After the hearing on the merits, the ~~Court~~ court may appoint a receiver from the list provided by the licensing agency if it finds that one or more of the grounds set forth in section 7202 of this chapter is satisfied, and that the person is qualified to perform the duties of a receiver as provided for in section 7205 of this chapter. The court's determination of whether one or more of the grounds set forth in section 7202 of this chapter is satisfied shall be based on the condition of the facility at the time the complaint requesting the appointment of a receiver was filed.

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Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.