

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.  
3 635 entitled “An act relating to regulation of long-term care facilities”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

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

8 § 7102. DEFINITIONS

9 As used in this chapter:

10 \* \* \*

11 (12) “Insolvent” means:

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

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

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

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

17 (b) The licensing agency may take immediate enforcement action when  
18 necessary to eliminate a condition ~~which~~ that can reasonably be expected to  
19 cause death or serious physical or mental harm to residents or staff before it  
20 can be eliminated through the provisions of section 7111 of this title. A

1 licensing agency taking such action shall explain that action and the reasons  
2 for it in the notice of violation.

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

4 § 7206. APPOINTMENT OF RECEIVER; HEARING AND ORDER

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

13 \* \* \*

14 Sec. 4. EFFECTIVE DATE

15 This act shall take effect on passage.

16

17

18 (Committee vote: \_\_\_\_\_)

19

20

21

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE