

310_675-15-6 Procedures for appointing qualified temporary managers

(a)

Prior to appointing a temporary manager, the Commissioner shall serve a written notice and request for information to be sent by facsimile or electronic mail to each qualified temporary manager, to include: (1) A statement of the size, location and current occupancy of the facility, and a general statement of the anticipated justification for appointing a temporary manager; (2) A request for confirmation of the temporary manager's current availability to accept appointment; (3) A request for confirmation of the temporary manager's lack of financial interest in the facility, in other facilities operated by the same entity that operated the facility to be managed, or in any entity related to the entity that operated the facility to be managed; and (4) A deadline for reply from each potential temporary manager.

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A statement of the size, location and current occupancy of the facility, and a general statement of the anticipated justification for appointing a temporary manager;

(2)

A request for confirmation of the temporary manager's current availability to accept appointment;

(3)

A request for confirmation of the temporary manager's lack of financial interest in the

facility, in other facilities operated by the same entity that operated the facility to be managed, or in any entity related to the entity that operated the facility to be managed; and

(4)

A deadline for reply from each potential temporary manager.

(b)

The potential temporary manager shall reply by the date and time specified on the notice and shall include all information requested in the notice. The Department may give short notice in the case of an emergency and the temporary manager may be required to take over a facility in less than 24 hours. This information shall be included in the notice of pending appointment.

(c)

The decision of the Commissioner and Department to appoint a specific temporary manager is a discretionary decision and does not create any individual rights including the right to an administrative hearing or appeal of that decision.