

## **310\_675-15-4 Conditions for a temporary manager**

### **(a)**

The owner of the building and the licensee of a facility which is placed under a temporary manager shall: (1) relinquish control of the facility and the building, equipment, food and supplies to the temporary manager which makes the temporary manager an agent of the licensee; (2) not attempt to retain final authority to approve personnel changes or expenditures of facility funds; and (3) give the temporary manager access to all facility financial accounts, including access to Medicare and Medicaid receipts and resident trust funds.

#### **(1)**

relinquish control of the facility and the building, equipment, food and supplies to the temporary manager which makes the temporary manager an agent of the licensee;

#### **(2)**

not attempt to retain final authority to approve personnel changes or expenditures of facility funds; and

#### **(3)**

give the temporary manager access to all facility financial accounts, including access to Medicare and Medicaid receipts and resident trust funds.

### **(b)**

The owner of the building and the licensee shall contract with the temporary manager subject to the approval of the Department. The contract(s) shall include

the method by which the temporary manager shall be paid for particular services, the use of facility funds by the temporary manager for the cost incurred for operation of the facility and payment to the building owner for use of the building as a usual cost of operation of a facility.

**(c)**

Should an existing lease be cancelled by the owner of the building, the owner shall contract with the temporary manager for use of the facility on terms not to exceed the original lease.

**(d)**

Should a licensee be unable to contract with the temporary manager, the owner of the building will be asked to contract with the temporary manager for operations of the facility. The licensee and any individual owners of the licensee remain responsible for any liability incurred in the operation of the facility. If the temporary manager cannot contract with the licensee or owner of the facility, the temporary manager shall move to close the facility following the procedures established otherwise in this Chapter.