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Chapter 411@ DEPARTMENT OF HUMAN SERVICES, AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

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Division 85@ NURSING FACILITIES/LICENSING - GENERALLY

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Section 411-085-0025@ Change of Ownership or Operator and Closure

411-085-0025 Change of Ownership or Operator and Closure

(1)

CHANGE OF OWNERSHIP OR OPERATOR. (a) When a change of ownership or a change of operator is contemplated, a licensee and a prospective licensee must each notify the Department in writing of the contemplated change. The notice of change of ownership or operator must be received by the Department at least 45 days prior to the proposed date of transfer. A shorter timeframe may be allowed at the sole discretion of the Department. The notice of change of ownership or operator must be in writing and must include the following: (A) Name and signature of the current licensee; (B) The name of the prospective licensee; (C) The proposed date of the transfer; (D) Type of transfer (e.g., sale, lease, rental, etc.); and (E) A complete, signed nursing facility application from the prospective licensee. (b) A prospective licensee may not assume possession or control of a facility until after the prospective licensee has been notified by the Department that the prospective licensee's application has been approved. (c) The current licensee is responsible for the operation of the facility and resident care provided therein until a new license is issued to a new owner or operator or the facility operation is closed.

(a)

When a change of ownership or a change of operator is contemplated, a licensee and a

prospective licensee must each notify the Department in writing of the contemplated change. The notice of change of ownership or operator must be received by the Department at least 45 days prior to the proposed date of transfer. A shorter timeframe may be allowed at the sole discretion of the Department. The notice of change of ownership or operator must be in writing and must include the following: (A) Name and signature of the current licensee; (B) The name of the prospective licensee; (C) The proposed date of the transfer; (D) Type of transfer (e.g., sale, lease, rental, etc.); and (E) A complete, signed nursing facility application from the prospective licensee.

(A)

Name and signature of the current licensee;

(B)

The name of the prospective licensee;

(C)

The proposed date of the transfer;

(D)

Type of transfer (e.g., sale, lease, rental, etc.); and

(E)

A complete, signed nursing facility application from the prospective licensee.

(b)

A prospective licensee may not assume possession or control of a facility until after the prospective licensee has been notified by the Department that the prospective licensee's application has been approved.

(c)

The current licensee is responsible for the operation of the facility and resident care provided therein until a new license is issued to a new owner or operator or the facility operation is closed.

(2)

FACILITY CLOSURE. (a) NOTICE OF INTENT TO CLOSE. The licensee must notify the Department of the intent to close a facility 90 days prior to the anticipated date of closure. (b) SERVICES AND OPERATION DURING CLOSURE. The licensee is responsible for the operation of the facility and resident care provided therein until all residents are transferred and the facility is closed. (c) RESIDENT RECORDS. The licensee is responsible for the transfer and retention of resident clinical records according to OAR 411-086-0300. (d) PROPOSED RESIDENT TRANSITION PLAN. (A) The nursing facility administrator must submit a proposed resident transition plan to the Department for review and approval 75 days prior to the anticipated date of closure. The proposed resident transition plan must: (i) Include resident-specific transition plans based on current and accurate assessments of each resident's needs, preferences, and best interests; (ii) In collaboration with the Department, identify potential transition settings that are available and appropriate in terms of quality, services, and location; (iii) In collaboration with the Department, include a proposed time table for resident assessments, planning conferences, and transitions; (iv) Include the resources, policies, and procedures that the facility must provide or arrange in order to plan and implement the transitions; and (v) Include a list of the residents to be transitioned, including each resident's current level of care, a brief description of any special needs or conditions, and the name and address of the resident's guardian (if applicable). The list of residents to be transitioned must include: (I) Residents that are eligible to return to the facility following hospitalization as described in OAR 411-088-0050; and (II) Residents that are temporarily absent from the facility and have secured a bedhold as described in OAR 411-070-0110. (B) Resident transitions must comply with OAR 411-088-0020(1)(f) and 411-088-0070(1)(g), (3)(d), and (4) (Transfers). (e)

PROPOSED FACILITY CLOSURE PLAN. The nursing facility administrator must submit a proposed facility closure plan to the Department for review and approval 75 days prior to the anticipated date of closure. The proposed facility closure plan must include: (A) A description of operations during the closure period; (B) The plan to assure adequate staff, supplies, and services necessary to provide resident care during the closure period; (C) The primary contact responsible for daily facility operations during the closure period; (D) The primary contact responsible for the oversight of those managing the facility during the closure period; (E) The Department-approved estimated date of closure; and (F) The address where the licensee may be reached following facility closure. (f) ADDITIONAL INFORMATION. Upon request, the administrator must provide the Department with any additional information related to resident transfer or facility operations during the closure period. (g) DEPARTMENT APPROVAL. The Department shall notify the facility of the Department's approval within 10 days of receipt of the facility's proposed resident transition plan and facility closure plan. (A) If the Department disapproves a proposed plan, the Department shall work with the facility to modify the plan. (B) No residents may be transitioned until the Department approves the proposed plan or until a modified plan is agreed upon. (C) If a plan is not approved or agreed upon within 30 days of receipt of the intent to close, the Department may initiate actions for temporary management according to OAR 411-089-0075. (D) The Department may provide or arrange for resident transitions in order to minimize resident trauma and to ensure the orderly transition of residents. (h) NOTICE TO RESIDENTS AND OTHER REQUIRED PARTIES. The administrator must provide written notice in accordance with OAR 411-088-0070(1)(g), (3)(d), and (4).

(a)

NOTICE OF INTENT TO CLOSE. The licensee must notify the Department of the intent to close a facility 90 days prior to the anticipated date of closure.

(b)

SERVICES AND OPERATION DURING CLOSURE. The licensee is responsible for the operation of the facility and resident care provided therein until all residents are transferred and the facility is closed.

(c)

RESIDENT RECORDS. The licensee is responsible for the transfer and retention of resident clinical records according to OAR 411-086-0300.

(d)

PROPOSED RESIDENT TRANSITION PLAN. (A) The nursing facility administrator must submit a proposed resident transition plan to the Department for review and approval 75 days prior to the anticipated date of closure. The proposed resident transition plan must: (i) Include resident-specific transition plans based on current and accurate assessments of each resident's needs, preferences, and best interests; (ii) In collaboration with the Department, identify potential transition settings that are available and appropriate in terms of quality, services, and location; (iii) In collaboration with the Department, include a proposed time table for resident assessments, planning conferences, and transitions; (iv) Include the resources, policies, and procedures that the facility must provide or arrange in order to plan and implement the transitions; and (v) Include a list of the residents to be transitioned, including each resident's current level of care, a brief description of any special needs or conditions, and the name and address of the resident's guardian (if applicable). The list of residents to be transitioned must include: (I) Residents that are eligible to return to the facility following hospitalization as described in OAR 411-088-0050; and (II) Residents that are temporarily absent from the facility and have secured a bedhold as

described in OAR 411-070-0110. (B) Resident transitions must comply with OAR 411-088-0020(1)(f) and 411-088-0070(1)(g), (3)(d), and (4) (Transfers).

(A)

The nursing facility administrator must submit a proposed resident transition plan to the Department for review and approval 75 days prior to the anticipated date of closure. The proposed resident transition plan must: (i) Include resident-specific transition plans based on current and accurate assessments of each resident's needs, preferences, and best interests; (ii) In collaboration with the Department, identify potential transition settings that are available and appropriate in terms of quality, services, and location; (iii) In collaboration with the Department, include a proposed time table for resident assessments, planning conferences, and transitions; (iv) Include the resources, policies, and procedures that the facility must provide or arrange in order to plan and implement the transitions; and (v) Include a list of the residents to be transitioned, including each resident's current level of care, a brief description of any special needs or conditions, and the name and address of the resident's guardian (if applicable). The list of residents to be transitioned must include: (I) Residents that are eligible to return to the facility following hospitalization as described in OAR 411-088-0050; and (II) Residents that are temporarily absent from the facility and have secured a bedhold as described in OAR 411-070-0110.

(i)

Include resident-specific transition plans based on current and accurate assessments of each resident's needs, preferences, and best interests;

(ii)

In collaboration with the Department, identify potential transition settings that are available and appropriate in terms of quality, services, and location;

(iii)

In collaboration with the Department, include a proposed time table for resident assessments,

planning conferences, and transitions;

(iv)

Include the resources, policies, and procedures that the facility must provide or arrange in order to plan and implement the transitions; and

(v)

Include a list of the residents to be transitioned, including each resident's current level of care, a brief description of any special needs or conditions, and the name and address of the resident's guardian (if applicable). The list of residents to be transitioned must include: (I) Residents that are eligible to return to the facility following hospitalization as described in OAR 411-088-0050; and (II) Residents that are temporarily absent from the facility and have secured a bedhold as described in OAR 411-070-0110.

(I)

Residents that are eligible to return to the facility following hospitalization as described in OAR 411-088-0050; and

(II)

Residents that are temporarily absent from the facility and have secured a bedhold as described in OAR 411-070-0110.

(B)

Resident transitions must comply with OAR 411-088-0020(1)(f) and 411-088-0070(1)(g), (3)(d), and (4) (Transfers).

(e)

PROPOSED FACILITY CLOSURE PLAN. The nursing facility administrator must submit a proposed facility closure plan to the Department for review and approval 75 days prior to the anticipated date of closure. The proposed facility closure plan must include: (A) A description of operations during the closure period; (B) The plan to assure adequate staff, supplies, and services necessary to provide resident care during the closure

period; (C) The primary contact responsible for daily facility operations during the closure period; (D) The primary contact responsible for the oversight of those managing the facility during the closure period; (E) The Department-approved estimated date of closure; and (F) The address where the licensee may be reached following facility closure.

(A)

A description of operations during the closure period;

(B)

The plan to assure adequate staff, supplies, and services necessary to provide resident care during the closure period;

(C)

The primary contact responsible for daily facility operations during the closure period;

(D)

The primary contact responsible for the oversight of those managing the facility during the closure period;

(E)

The Department-approved estimated date of closure; and

(F)

The address where the licensee may be reached following facility closure.

(f)

ADDITIONAL INFORMATION. Upon request, the administrator must provide the Department with any additional information related to resident transfer or facility operations during the closure period.

(g)

DEPARTMENT APPROVAL. The Department shall notify the facility of the Department's approval within 10 days of receipt of the facility's proposed resident transition plan and

facility closure plan. (A) If the Department disapproves a proposed plan, the Department shall work with the facility to modify the plan. (B) No residents may be transitioned until the Department approves the proposed plan or until a modified plan is agreed upon. (C) If a plan is not approved or agreed upon within 30 days of receipt of the intent to close, the Department may initiate actions for temporary management according to OAR 411-089-0075. (D) The Department may provide or arrange for resident transitions in order to minimize resident trauma and to ensure the orderly transition of residents.

(A)

If the Department disapproves a proposed plan, the Department shall work with the facility to modify the plan.

(B)

No residents may be transitioned until the Department approves the proposed plan or until a modified plan is agreed upon.

(C)

If a plan is not approved or agreed upon within 30 days of receipt of the intent to close, the Department may initiate actions for temporary management according to OAR 411-089-0075.

(D)

The Department may provide or arrange for resident transitions in order to minimize resident trauma and to ensure the orderly transition of residents.

(h)

NOTICE TO RESIDENTS AND OTHER REQUIRED PARTIES. The administrator must provide written notice in accordance with OAR 411-088-0070(1)(g), (3)(d), and (4).

(3)

ADMISSIONS. (a) The administrator must assure that the facility does not admit new residents on or after the date the 60-day notice is issued to the resident and

required parties according to OAR 411-088-0020(1)(f) and 411-088-0070(1)(g), (3)(d), and (4). (b) A resident who is eligible to return to a facility following hospitalization per OAR 411-088-0050 may return to a facility that is in the process of closing. (c) A resident who is eligible to readmit to a facility following discharge per OAR 411-088-0060 may readmit to a facility that is in the process of closing. (d) A resident who is temporarily absent from a facility per OAR 411-070-0110 may return to a facility that is in the process of closing.

(a)

The administrator must assure that the facility does not admit new residents on or after the date the 60-day notice is issued to the resident and required parties according to OAR 411-088-0020(1)(f) and 411-088-0070(1)(g), (3)(d), and (4).

(b)

A resident who is eligible to return to a facility following hospitalization per OAR 411-088-0050 may return to a facility that is in the process of closing.

(c)

A resident who is eligible to readmit to a facility following discharge per OAR 411-088-0060 may readmit to a facility that is in the process of closing.

(d)

A resident who is temporarily absent from a facility per OAR 411-070-0110 may return to a facility that is in the process of closing.