STATEMENT TO

[First Reprint]
SENATE, No. 2789

with Senate Floor Amendments
(Proposed by Senator VITALE)

ADOPTED: FEBRUARY 19, 2021

These Senate amendments revise a provision concerning approval of a transfer of ownership application to make clear that applications will not be automatically approved by changing "when" to "if."

The Senate amendments remove a provision that would have required the State Auditor to undertake an investigation of one or more nursing homes if approved by both the Senate President and the Speaker of the General Assembly.

The Senate amendments revise a requirement for the Department of Human Services (DHS) to evaluate nursing home lease, rent, and land use agreements to determine whether the nursing home is being charged an excessive amount of rent, to instead require nursing homes to report to the Department of Health (DOH) their lease, rent, or land use rates, or the average rates, which reported rates the DOH will post on its Internet website.

The Senate amendments revise a requirement for the DOH to identify nursing homes in financial distress to provide that the DOH is to undertake this task, on an as needed basis, with the assistance of the DHS.

The Senate amendments remove language requiring the DOH to develop strategies to assist facilities that report missing a scheduled debt service, rent, payroll, or payroll tax payment.

The Senate amendments add a requirement that, if the DOH provides management support services and resources to a nursing home, those services and resources will be provided at the nursing home's expense. The amendments add language that will alternatively allow the DOH to direct a nursing home to management support services and resources.

The Senate amendments revise a provision allowing the DOH to initiate receivership proceedings, to provide that the DOH may initiate the proceedings in situations where the nursing home does not take sufficient and timely action to avoid an impending bankruptcy or closure, and the DOH finds the bankruptcy or closure would have a significant adverse effect on the health, safety, and welfare of the residents of the nursing home or the DOH determines that bankruptcy or closure would leave the area in which the nursing home is located lacking sufficient nursing home services.

The Senate amendments revise the effective date of the bill from 120 days after the date of enactment to 180 days after the date of enactment.

The Senate amendments make a number of technical changes, including revising a reference to “public records” to read “government record” to reflect current statutory usage and making certain changes involving capitalization.