

Questions/Information for Stakeholder Engagement

Temporary Management Regulations

To be held August 26, 2019

Health and Safety Code section 1325.5 “empowers the Department to take quick, effective action to protect the health and safety of residents at long-term health care facilities and minimize the effects of transfer trauma that accompany the abrupt transfer of elderly and disabled residents,” which includes “appointing a temporary manager when serious quality of care and/or financial difficulties exist.”

1. The Department will maintain a list of individuals or business entities that have demonstrated that they qualify for potential appointment as a temporary manager.
 - a. What qualifications should be considered?
 - b. How often should the temporary managers provide documentation to update their status and remain on the pre-qualified list?

2. The Department may send a request to the potential temporary manager before appointment in a long term care health facility. What additional information should be requested in addition to the following items?
 - a. The name of the facility, its location, and the current occupancy of the facility;
 - b. The qualifications for an individual to be appointed to be temporary manager at the identified facility pursuant to Health & Safety Code section 1325.5;
 - c. Verification the individual does not currently serve, and has not served, within the past two years, as a member of the staff at the facility or, if a business entity, verification no principals of the entity currently serve, and have not served within the past two years, as a member of the staff at the facility;
 - d. Verification that the individual, or the entity, its parent company or subsidiary, have no financial ownership interest in the identified facility or its licensee;
 - e. Availability to accept the appointment;
 - f. A proposed salary or fee for the temporary manager appointed.

3. According to HSC 1325.5(l), “the state department may use funds from the Health Facilities Citation Penalties Account, pursuant to section 1417.2, to operate the facility after all other facility revenues are exhausted.”

- a. What documentation should a temporary manager submit to the Department to obtain approval to expend state funds?
 - b. If state funds are used to operate the facility, what should a temporary manager submit to the Department to document
 - i. the temporary manager first exhausted funds from the facility?
 - ii. the appropriate use of state funds?
4. What other considerations should the department consider when appointing a temporary manager?
5. What factors do you recommend the department consider in developing temporary management regulations?