

THE APPOINTMENT OF THE RECEIVER WITHIN 5 DAYS AFTER SERVICE OF PROCESS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 560B(a)(4), (d), and (b)(2), (3), and the second and third sentences of (1).

As to subsections (a)(2)(ii)1. and (b)(2)(ii)1. of this section and the word "verified", see § 1-201 of this article.

In subsections (a)(3) and (b)(1) of this section, the former references to "testimony" are deleted as unnecessary in light of the broad references to "evidence".

In subsection (b)(1) of this section, the former reference "without further hearing" is deleted as inconsistent with subsection (b)(3) of this section, which is derived from former Article 43, § 560B(d)(4). Subsection (b)(3) of this section is revised to clarify that this hearing is on the ex parte appointment of a receiver.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that subsection (a) of this section does not expressly allow for postponement of the hearing. Cf., subsection (b)(3) of this section.

Defined terms: "Person" §§ 1-101 & 19-301
"Nursing home" § 19-333 "Secretary" § 1-101

19-336. APPOINTMENT OF RECEIVER; CONTINUATION OF RECEIVERSHIP.

(A) IN GENERAL.

AFTER THE HEARING UNDER § 19-335 OF THIS SUBTITLE, THE COURT MAY APPOINT A RECEIVER FOR THE NURSING HOME OR CONTINUE THE APPOINTMENT OF THE RECEIVER MADE EX PARTE, IF THE COURT FINDS:

(1) A PERSON IS OPERATING THE NURSING HOME WITHOUT A LICENSE FOR IT;

(2) THE NURSING HOME WILL BE CLOSED WITHIN 30 DAYS AND ARRANGEMENTS TO RELOCATE ITS RESIDENTS HAVE NOT BEEN APPROVED BY THE SECRETARY;

(3) THE NURSING HOME OR ITS RESIDENTS HAVE BEEN ABANDONED; OR

(4) A SITUATION, PHYSICAL CONDITION, PRACTICE,