

AGAINST THE RECEIVER FOR PAYMENT OR FOR POSSESSION OF THE PROPERTY. HOWEVER, THE PAYMENT DOES NOT RELIEVE THE OWNER OF THE NURSING HOME OF ANY LIABILITY FOR THE DIFFERENCE BETWEEN THE AMOUNT THAT THE RECEIVER PAYS AND THE AMOUNT THAT IS DUE UNDER THE CONTRACT.

(G) LIABILITY.

(1) A RECEIVER OF A NURSING HOME IS NOT LIABLE FOR AN INJURY TO PERSON OR PROPERTY THAT RESULTS FROM THE CONDITION OF THE NURSING HOME.

(2) A RECEIVER ONLY IS LIABLE FOR ANY ACT OR OMISSION THAT CONSTITUTES NEGLIGENCE IN THE FULFILLMENT OF THE DUTIES AS RECEIVER.

(H) FEE.

A RECEIVER OF A NURSING HOME IS ENTITLED TO THE FEE THAT THE COURT FINDS REASONABLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 560B(e), (g), and (h)(2) and (3).

As to subsection (f)(4) of this section and the word "verified", see § 1-201 of this article.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that it is unclear whether or not the receiver is personally liable under subsection (g)(2) of this section.

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

19-338. SPECIAL FUND.

(A) "FUND" DEFINED.

IN THIS SECTION, "FUND" MEANS THE SPECIAL REVOLVING FUND ESTABLISHED UNDER THIS SECTION.

(B) FUND ESTABLISHED.

(1) THIS STATE MAY ESTABLISH A SPECIAL REVOLVING FUND TO PROVIDE FINANCIAL SUPPORT FOR A RECEIVER OF A NURSING HOME.

(2) THE AMOUNT OF MONEY IN THE FUND SHALL BE AT LEAST \$250,000 BUT NOT MORE THAN \$500,000.