

(ii) At least 3 days before the hearing, by a notice posted conspicuously inside or on the front door of the nursing home or site of the community [residential] program, if the Secretary files a statement that:

1. Is signed and verified by the Secretary;

2. States that the owner or operating entity cannot be found; and

3. Sets forth a substantial account of reasonable, good faith efforts to find the owner or operating entity and serve process.

(3) The owner of the nursing home or operating entity of a community [residential] service is entitled to offer evidence at the hearing.

(b) (1) A court may appoint a receiver for a nursing home or community [residential] program if, from the petition, affidavits, and any evidence offered ex parte, the court finds probable cause to believe that a situation, physical condition, practice, or method of operation presents an imminent danger of death or serious mental or physical harm to the residents and must be remedied immediately to insure their health, safety, and welfare.

(2) The owner or person then in charge of the nursing home or community [residential facility] PROGRAM shall be given notice of the appointment of a receiver:

(i) By service of the notice, within 24 hours after the appointment; or

(ii) By posting the notice conspicuously inside or on the front door of the nursing home or site of the community [residential facility] PROGRAM, if the Secretary files a statement that:

1. Is signed and verified by the Secretary;

2. States that the owner and the person in charge of the nursing home or community [residential facility] PROGRAM cannot be found; and

3. Sets forth a substantial account of reasonable, good faith efforts to find the owner and the person in charge and serve process.

(3) Unless the owner of the nursing home or entity operating the community [residential facility] PROGRAM consents