§ 2803-x. Requirements related to nursing homes and related assets and operations. 1. The operator of a nursing home shall notify the commissioner of any common or familial ownership of any corporation, other entity or individual providing services to the operator or the facility. Such information shall also be included in the residency agreement for prospective residents and as addendums for residents currently residing in the residential health care facility nursing home. The operator shall notify the department at least ninety days prior to entering into any new common or familial ownership of any corporation, or other entity or individual providing services to the operator of the facility. The operator shall also provide notification to all residents and their representatives, staff and their representatives, and the state office of the long-term care ombudsman.

2. The operator of a nursing home shall, on an annual basis, attest to the department, in a form determined by the department, to the accuracy of the information provided to the department under this section.

3. The operator of a nursing home may not enter into any arrangement to guarantee the debt or other obligation of a party which has not received establishment approval.

4. The operator of a nursing home shall notify the department and the state office of the long-term care ombudsman at least ninety days prior to executing a letter of intent or other contractual agreement related to:

a. the sale, mortgaging, encumbrance, or other disposition of the real property of the facility; and

b. the consulting, operations, staffing agency or other entity to be involved in the operations of the facility.

5. The operator of a nursing home shall notify all residents and their representatives, staff and their representatives, and the state office of the long-term care ombudsman within five days of executing a binding letter of intent or other contractual agreement as described in

paragraphs a and b of subdivision four of this section.

6. Where the operator of a nursing home provides or purports to provide, by any contract, agreement or arrangement, for any party to carry out or be delegated any activity or responsibility relating to the nursing home, that shall not diminish any responsibility or liability that the operator would otherwise have for any such activity or responsibility or for the operation of the nursing home.

7. Any new owner or operator of a nursing home shall retain all employees of the nursing home for at least a sixty-day transition period, except for cause, and except for the nursing home administrator, the director of nursing and any other supervisors, or any controlling person, principal stockholder or principal member, and shall not reduce the wages or benefits, or modify any other terms and conditions of employment, economic or otherwise during the transition period. Nothing herein shall require any owner or operator to discontinue any pending disciplinary actions, including but not limited to termination, that were initiated before the sale of the nursing home. Nothing herein shall prevent an owner or operator from determining the overall size of the workforce at the facility, except as provided otherwise in this section or other applicable law.

8. In any instance where a nursing home is sold or otherwise transferred and used for a purpose which is not a health care purpose, the operator shall remit to the department an amount equivalent to the undepreciated value of capital assets for which the provider has been funded or reimbursed through Medicaid rate adjustments or otherwise funded or reimbursed with resources provided by the state for the purpose of improvement or transformation.