§ 2809. Residential health care facilities; powers to require security. 1. If a residential health care facility receives a rating in the lowest category which may be assigned pursuant to subdivision one of section twenty-eight hundred three of this chapter, the commissioner may require, as a condition of continuing to operate, that the facility obtain financial security to ensure that future obligations will be met, which security may be of a form that the commissioner deems appropriate, and which shall be in an amount determined necessary by the commissioner after considering the rating of the facility; deficiencies in its overall condition and its operating practices; the size of the facility; the ease or difficulty of obtaining given types of security; and the financial burden of obtaining particular types of security; but in no case shall such amount exceed twenty-five thousand dollars.

2. If the commissioner obtains the agreement of any such facility to correct or eliminate any deficiency, by release or compromise of a penalty or for any other reason, he may require as a part of such agreement that the facility obtain security in an amount sufficient to ensure that the agreement be upheld, which security may take a form which the commissioner deems appropriate.

3. If for any reason the security required by the commissioner is depleted, either wholly or partially by civil penalties assessed by the commissioner or for any other cause, the commissioner may require, after considering those factors which were applicable to the original requirement of security, that the amount of security be wholly or partially replenished, or that the total amount of security be increased; but in no case shall such security exceed twenty-five thousand dollars at one time.