§ 4616. Appointment of a caretaker. Upon a determination by the commissioner that there exists operational deficiencies in a continuing care retirement community that show:

1. a condition or conditions in substantial violation of the standards for health, safety or patient care established under federal or state law or regulations; or

2. that there exists in the facility a pattern or practice of habitual violation of the standards of health, safety or patient care established under federal or state law or regulations, the commissioner shall take the actions prescribed by section forty-six hundred fifteen of this article, and, where the commissioner deems it to be in the public interest, the commissioner shall petition a court of competent jurisdiction to appoint a caretaker as defined in section twenty-eight hundred one of this chapter. The petition, the proceedings, and the procedures for appointment of a caretaker shall be governed by the provisions of section forty-six hundred seventeen of this article, and the powers, duties and rights of a caretaker appointed pursuant to such section shall be the same as those authorized by subdivision four of such section.