

SENATE BILL NO. 939

June 25, 2024, Introduced by Senators BAYER, SHINK, CHANG, GEISS and SANTANA and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to provide for licensing of adult psychiatric residential treatment facilities; to allow for psychiatric services to be provided under a residential psychiatric program in adult psychiatric residential treatment facilities; to establish standards of care for adult psychiatric residential treatment facilities; to provide for the powers and duties of certain state departments and agencies; to prescribe certain fees; and to provide for penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "adult psychiatric
2 residential treatment facility licensing act".

3 Sec. 3. As used in this act:

4 (a) "Adult" means an individual who is 18 years of age or
5 older, other than an individual with a mental disability who is
6 between 18 and 21 years of age.

7 (b) "Adult psychiatric residential treatment facility" or
8 "APRTF" means a facility operated for the primary purpose of
9 providing residential psychiatric services to adults under a
10 residential psychiatric program. An APRTF does not include any of
11 the following:

12 (i) A psychiatric hospital as that term is defined in section
13 100b of the mental health code, 1974 PA 258, MCL 330.1100b, or a
14 psychiatric unit as that term is defined in section 100c of the
15 mental health code, 1974 PA 258, MCL 330.1100c.

16 (ii) An adult foster care facility as that term is defined in
17 section 3 of the adult foster care facility licensing act, 1979 PA
18 218, MCL 400.703.

19 (iii) A child care organization as that term is defined in
20 section 1 of 1973 PA 116, MCL 722.111.

21 (iv) A home for the aged, hospice facility, or nursing home
22 licensed under part 213, 214, or 217 of the public health code, MCL
23 333.21301 to 333.21335, 333.21401 to 333.21420, and 333.21701 to
24 333.21799e.

25 (v) A facility with a licensed substance use disorder program
26 under part 62 of the public health code, MCL 333.6230 to 333.6251.

27 (vi) A veterans' facility as that term is defined in section 2
28 of the Michigan veterans' facility authority act, 2016 PA 560, MCL

1 36.102.

2 (vii) A hospital as that term is defined in section 20106 of
3 the public health code, MCL 333.20106.

4 (c) "Community mental health services program" means that term
5 as defined in section 100a of the mental health code, 1974 PA 258,
6 MCL 330.1100a.

7 (d) "Department" means the department of licensing and
8 regulatory affairs.

9 (e) "Director" means the director of the department.

10 (f) "Licensed health care professional" means an individual
11 licensed or registered under article 15 of the public health code,
12 MCL 333.16101 to 333.18838.

13 (g) "Licensee" means a person, firm, partnership, agency,
14 governing body, association, corporation, or other entity that has
15 been issued a license to operate an APRTF.

16 (h) "Personal care services" means services including, but not
17 limited to, assisting individual's with activities of daily living,
18 assisting individual's with self-administration of medication in
19 accordance with rules promulgated under this act, and preparing
20 special diets, other than complex therapeutic diets, for
21 individuals according to the instructions of a physician or a
22 licensed dietitian and in accordance with rules promulgated under
23 this act. Personal care services does not include skilled nursing
24 care.

25 (i) "Provisional license" means a license issued to a facility
26 that has previously been licensed under this act but is temporarily
27 unable to conform to the requirements of a regular license
28 prescribed in this act or rules promulgated under this act.

29 (j) "Public health code" means the public health code, 1978 PA

1 368, MCL 333.1101 to 333.25211.

2 (k) "Regular license" means a license issued to an APRTF that
3 is in compliance with this act and the rules promulgated under this
4 act.

5 (l) "Resident" means an individual residing within an APRTF.

6 (m) "Residential psychiatric program" means a program that is
7 provided by a public or private APRTF that offers a combination of
8 residential, nutritional, supervisory, and personal care services,
9 combined with mental health and psychiatric services in a
10 comprehensive residential treatment setting. The program must be
11 accredited by the Joint Commission on Accreditation of Healthcare
12 Organizations, the Commission on Accreditation of Rehabilitation
13 Facilities, or any other accrediting organization with comparable
14 standards that is recognized by the department.

15 (n) "Residential psychiatric services" means active
16 psychiatric treatment provided in an APRTF to a resident with a
17 persistent pattern of emotional, psychological, or behavioral
18 dysfunction of a severity that requires 24-hour supervised care
19 provided under the direction of a physician licensed under part 170
20 or 175 of the public health code, MCL 333.17001 to 333.17097 and
21 333.17501 to 333.17556. Residential psychiatric services must be
22 individualized and designed to achieve a less restrictive level of
23 care at the earliest possible time. Residential psychiatric
24 services must be certified by the physician in writing to be
25 necessary in the setting in which the services will be provided
26 such that the services can reasonably be expected to improve the
27 resident's condition or prevent further regression.

28 (o) "Skilled nursing care" means providing nursing care
29 services, health-related services, and social services under the

1 supervision of a licensed registered nurse or licensed advanced
2 practice registered nurse on a 24-hour basis.

3 (p) "Supervision" means guidance of a resident in the
4 activities of daily living, including 1 or more of the following:

5 (i) Reminding a resident to maintain the resident's medication
6 schedule, as directed by the resident's physician.

7 (ii) Reminding a resident of important activities to be carried
8 out.

9 (iii) Assisting a resident in keeping appointments.

10 (q) "Temporary license" means a license issued to a facility
11 that has not previously been licensed under this act.

12 Sec. 5. (1) A person, firm, partnership, agency, governing
13 body, association, corporation, or other entity shall not
14 establish, maintain, or operate an adult psychiatric residential
15 treatment facility unless licensed under this act. An application
16 for a license must be made on forms provided and in the manner
17 prescribed by the department. The application must be accompanied
18 by the appropriate fee as follows:

19 (a) For a temporary or renewal license, \$500.00.

20 (b) For an initial regular license, \$500.00.

21 (c) For a provisional license, \$500.00.

22 (2) Before issuing or renewing a license, the department shall
23 investigate the activities and standards of care of the applicant
24 and shall make an on-site evaluation of the facility. On-site
25 inspections conducted in response to the application may be
26 conducted without prior notice to the applicant.

27 (3) If the department has revoked, suspended, or refused to
28 renew a person's license, or denied an application for a license,
29 for an APRTF according to section 13, the department may refuse to

1 issue a license to or renew a license of that applicant for a
2 period of 5 years after the suspension, revocation, or nonrenewal
3 of the license, or denial of the application. The department may
4 refuse to issue a license to or renew the license of an applicant
5 if the department determines that the applicant has a relationship
6 with a former licensee whose license under this act has been
7 suspended, revoked, or nonrenewed under section 13. This subsection
8 applies for 5 years after the suspension, revocation, or nonrenewal
9 of the former licensee's license. For purposes of this subsection,
10 an applicant has a relationship with a former licensee if the
11 former licensee is involved with the facility in 1 or more of the
12 following ways:

13 (a) Participates in the administration or operation of the
14 facility.

15 (b) Has a financial interest in the operation of the facility.

16 (c) Provides care to residents of the facility.

17 (d) Has contact with residents or staff on the premises of the
18 facility.

19 (e) Is employed by the facility.

20 (f) Resides in the facility.

21 (4) A separate license is not required under this act for a
22 separate APRTF on the same campus if that facility is utilized to
23 provide residential psychiatric services to adults under a
24 residential psychiatric program under the same licensee.

25 Sec. 7. (1) A residential psychiatric program being provided
26 by an APRTF must meet 1 of the following not later than 3 years
27 after its initial regular license and must satisfy all of the
28 following thereafter to maintain licensure:

29 (a) The standards pertaining to residential services contained

1 in the "Comprehensive Accreditation Manual for Behavioral Health
2 Care" published by the Joint Commission on Accreditation of
3 Healthcare Organizations.

4 (b) The behavioral health standards pertaining to residential
5 treatment published by the Commission on Accreditation of
6 Rehabilitation Facilities.

7 (c) The standards of a similar organization approved by the
8 director.

9 (2) Only an APRTF that is operated under direction of a
10 physician licensed under part 170 or 175 of the public health code,
11 MCL 333.17001 to 333.17097 and MCL 333.17501 to 333.17556, may
12 administer medication to residents. An APRTF that is operated under
13 the direction of an individual other than a physician licensed
14 under part 170 or 175 of the public health code, MCL 333.17001 to
15 333.17097 and MCL 333.17501 to 333.17556, may do any of the
16 following:

17 (a) Remind a resident when to take medication and watch to
18 ensure that the resident follows the directions on the container.

19 (b) Assist a resident in the self-administration of medication
20 by taking the medication from the locked area where it is stored,
21 in accordance with rules promulgated under this act, and handing it
22 to the resident. If the resident is physically unable to open the
23 container, a staff member may open the container for the resident.

24 (c) Assist a physically impaired but mentally alert resident,
25 including, but not limited to, a resident with arthritis, cerebral
26 palsy, or Parkinson's disease, in removing oral or topical
27 medication from a container and in consuming or applying the
28 medication, upon request by or with the consent of the resident. If
29 a resident is physically unable to place a dose of medicine to the

1 resident's own mouth without spilling it, a staff member may place
2 the dose in a container and place the container to the mouth of the
3 resident.

4 (3) Nothing in this section prohibits a licensed health care
5 professional from acting within the scope of that individual's
6 license to administer medication at the request of a resident.

7 Sec. 9. (1) The director, the director's agent, or personnel
8 of another department or agency, acting at the request of the
9 director, may enter upon the premises of an applicant or licensee
10 at a reasonable time to make inspections, as permitted by
11 applicable law, for any of the following purposes:

12 (a) To determine whether the applicant or licensee is
13 complying with this act and the rules promulgated under this act.

14 (b) To determine whether the APRTF has completed a plan of
15 correction required under subsection (2) and corrected deficiencies
16 to the satisfaction of the department.

17 (c) Upon complaint.

18 (2) In conducting an inspection under this act, the department
19 may conduct an on-site examination and evaluation of the APRTF and
20 the residential psychiatric program, its personnel, activities, and
21 services. The APRTF shall give the department access to examine and
22 copy all records, accounts, and any other documents relating to
23 operating the APRTF, including records pertaining to residents, and
24 access to the APRTF and the residential psychiatric program in
25 order to conduct interviews with the owner or operator, staff, and
26 residents. Following each inspection and review, the department
27 shall complete a report listing any deficiencies and, including,
28 when appropriate, a time table within which the owner or operator
29 must correct the deficiencies. The department may require the

1 licensee to submit a plan of correction describing how the
2 deficiencies will be corrected.

3 (3) On-site inspections may be conducted without prior notice
4 to the APRTF. A health and sanitation inspection of an APRTF must
5 be conducted upon the request of the department by 1 of the
6 following:

7 (a) Department staff.

8 (b) The department of health and human services.

9 (c) A local health department.

10 (4) The bureau of fire services created in section 1b of the
11 fire prevention code, 1941 PA 207, MCL 29.1b, or local authorities,
12 in carrying out this act, may visit an APRTF more often than
13 annually to advise in matters affecting health or fire protection.
14 Inspections must be made as permitted by law.

15 Sec. 11. (1) The department shall issue an initial regular,
16 temporary, provisional, or renewal license not later than 6 months
17 after the applicant files a completed application. Receipt of the
18 application is considered the date the application is received by
19 an agency or department of this state. If the application is
20 considered incomplete by the department, the department shall
21 notify the applicant in writing or make notice electronically
22 available not later than 30 days after receipt of the incomplete
23 application, describing the deficiency and requesting additional
24 information. If the department identifies a deficiency or requires
25 the fulfillment of a corrective action plan, the 6-month period is
26 tolled until either of the following occurs:

27 (a) Upon notification by the department of a deficiency, until
28 the date the requested information is received by the department.

29 (b) Upon notification by the department that a corrective

1 action plan is required, until the date the department determines
2 the requirements of the corrective action plan have been met.

3 (2) The determination of the completeness of an application
4 does not operate as an approval of the application for the license
5 and does not confer eligibility of an applicant determined
6 otherwise ineligible for issuance of a license.

7 (3) If the department fails to issue or deny a license within
8 the time required by this section, the department shall return the
9 license fee and shall reduce the license fee for the applicant's
10 next renewal application, if any, by 15%. Failure to issue or deny
11 a license within the time period required under this section does
12 not allow the department to otherwise delay processing an
13 application. The completed application must be placed in sequence
14 with other completed applications received at that same time. The
15 department shall not discriminate against an applicant in the
16 processing of an application based on the fact that the application
17 fee was refunded or discounted under this subsection.

18 (4) The department may issue a full, provisional, or temporary
19 license or renew a license. A full license expires 1 year after the
20 date of issuance, a provisional license expires in a shorter period
21 of time as specified by the department, and a temporary license
22 expires 90 days after the date of issuance.

23 (5) As used in this section, "completed application" means an
24 application complete on its face with all requested information
25 provided and answers to all questions provided and submitted with
26 any applicable licensing fees as well as any other information,
27 records, approval, security, or similar item required by law or
28 rule from a local unit of government, a federal agency, or a
29 private entity but not from another department or agency of this

1 state. A completed application does not include a health inspection
2 performed by a local health department.

3 Sec. 13. (1) The department may deny, suspend, revoke, or
4 refuse to renew a license, or modify a regular license to a
5 provisional license, if the department finds 1 or more of the
6 following:

7 (a) The APRTF or the residential psychiatric program being
8 provided by the applicant or licensee has been cited for a pattern
9 of serious noncompliance or repeated violations of statutes or
10 rules during the period of current or previous licensure.

11 (b) The applicant or licensee submits false or misleading
12 information as part of a license application, renewal, or
13 investigation.

14 (2) An application for licensure must not be denied, a license
15 must not be revoked, a renewal must not be refused, and a regular
16 license must not be modified to a provisional license unless the
17 department gives the applicant or licensee written notice of the
18 grounds for the proposed denial, revocation, refusal to renew, or
19 modification. If the proposed denial, revocation, refusal to renew,
20 or modification is not appealed not later than 30 days after
21 receipt, the department shall deny, revoke, refuse to renew, or
22 modify the application or license. The applicant or licensee must
23 appeal in writing to the department director, or the director's
24 designee, a proposed denial, revocation, refusal to renew, or
25 modification not later than 30 days after receipt of the written
26 notice. Upon receipt of the written request for appeal, the
27 director or the director's designee must conduct a contested case
28 hearing under the administrative procedures act of 1969, 1969 PA
29 306, MCL 24.201 to 24.328. Notice of the hearing must be given to

1 the applicant or licensee by personal service or delivery to the
2 proper address by registered mail not less than 2 weeks before the
3 date of the hearing. The director or the director's designee shall
4 issue a decision as soon as practicable after the hearing and
5 forward it to the protesting party by registered mail. The formal
6 notice and hearing requirement in this subsection does not apply if
7 the licensee and the department comply with subsection (6).

8 (3) A license must not be denied, suspended, or revoked, a
9 renewal must not be refused, and a regular license must not be
10 modified to a provisional license unless the department gives the
11 licensee or applicant written notice of the grounds of the proposed
12 denial, revocation, refusal to renew, or modification. If the
13 licensee or applicant appeals the denial, revocation, refusal to
14 renew, or modification by filing a written appeal with the director
15 not later than 30 days after receipt of the written notice, the
16 director or the director's designated representative shall conduct
17 a contested case hearing at which the licensee or applicant may
18 present testimony and confront witnesses. Notice of the hearing
19 must be given to the licensee or applicant by personal service or
20 delivery to the proper address by registered mail not less than 2
21 weeks before the date of the hearing. The decision of the director
22 must be made and forwarded to the protesting party by registered
23 mail not more than 30 days after the hearing. If the proposed
24 denial, revocation, refusal to renew, or modification is not
25 protested not later than 30 days, the license must be denied,
26 revoked, refused, or modified.

27 (4) If the department has revoked, suspended, or refused to
28 renew a license, the former licensee must not receive or maintain
29 in that facility an adult who requires residential psychiatric

1 care. A person who violates this subsection is guilty of a felony
2 punishable by imprisonment for not more than 5 years or a fine of
3 not more than \$75,000.00, or both.

4 (5) If the department has revoked, suspended, or refused to
5 renew a license, relocation services must be provided to adults who
6 were being served by the formerly licensed facility, upon the
7 department's determination that the adult or the adult's designated
8 representative is unable to relocate the adult in another facility
9 without assistance. The relocation services must be provided by the
10 responsible agency, as defined in administrative rules, or, if the
11 adult has no agency designated as responsible, by the department of
12 health and human services.

13 (6) The department may immediately suspend, revoke, modify, or
14 refuse to renew a license or deny an application for a license
15 without providing written notice of the grounds for the proposed
16 action or giving the licensee or applicant 30 days to appeal if the
17 licensee or applicant agrees in writing to do all of the following:

18 (a) Waive the requirement that the department provide written
19 notice of the grounds for the proposed action.

20 (b) Waive the 30-day time frame in which to submit a written
21 appeal to the proposed action.

22 (c) Waive the right to a contested case hearing under the
23 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
24 24.328.

25 Sec. 15. (1) The department may issue a temporary license to
26 operate an APRTF if both of the following conditions are met:

27 (a) The department determines that the closing of or the need
28 to remove residents from another APRTF has created an emergency
29 situation requiring immediate removal of residents and an

1 insufficient APRTF availability.

2 (b) The APRTF applying for a temporary license meets standards
3 established for a temporary license in rules promulgated under this
4 act.

5 (2) A temporary license is valid for 90 days and may be
6 renewed by the director no more than twice. A proceeding initiated
7 to deny an application for or to revoke a temporary license issued
8 under this section is not subject to the provisions of section 13.

9 Sec. 17. (1) The following individuals may enter an APRTF at
10 any time:

11 (a) A department employee designated by the director.

12 (b) An employee of a community mental health services program
13 if the community mental health services program has an individual
14 residing in the facility and receiving residential psychiatric
15 services.

16 (2) An APRTF shall give the individuals specified in
17 subsection (1) access to examine and copy all records, accounts,
18 and documents relating to operating the APRTF, including, but not
19 limited to, records pertaining to residents.

20 (3) For the purpose of investigation, an employee of the
21 department may enter an institution, residence, facility, or other
22 structure that has been reported to the department as, or that the
23 department has reasonable cause to believe is, operating as an
24 APRTF without a valid license.

25 Sec. 19. (1) The department may withhold the source of a
26 complaint reported as a violation of this act if the department
27 determines that disclosure could be detrimental to the department's
28 purposes or could jeopardize the investigation. The department may
29 disclose the source of a complaint if the complainant agrees in

1 writing to disclosure and must disclose the source upon order by a
2 court.

3 (2) A person who makes a complaint under this act, or a person
4 who participates in an administrative or judicial proceeding
5 resulting from a complaint under this act, is immune from civil
6 liability and is not subject to criminal prosecution, other than
7 for perjury, unless the person has acted in bad faith or with
8 malicious purpose.

9 Sec. 21. (1) The director may petition the court of the county
10 in which an APRTF is located for an order enjoining a person from
11 operating an APRTF without a license if, in the director's
12 judgment, there is a present danger to the health or safety of any
13 of the program participants. The court has jurisdiction to grant
14 injunctive relief upon a showing that the respondent named in the
15 petition is operating an APRTF without a license or there is a
16 present danger to the health or safety of any of the residents.

17 (2) When the court grants injunctive relief in the case of an
18 APRTF operating without a license, the court shall issue, at a
19 minimum, an order enjoining the APRTF from admitting new residents
20 and an order requiring the APRTF to assist with the safe and
21 orderly relocation of the APRTF's residents.

22 (3) If injunctive relief is granted against an APRTF for
23 operating without a license and the APRTF continues to operate
24 without a license, the director shall refer the case to the
25 attorney general for further action.

26 Sec. 23. (1) Subject to subsections (3) and (4), the
27 department shall promulgate rules to implement this act according
28 to the administrative procedures act of 1969, 1969 PA 306, MCL
29 24.201 to 24.328.

1 (2) The director may fine a person for violating this act. The
2 fine must be \$500.00 for a first offense and \$1,000.00 for each
3 subsequent offense.

4 (3) Rules promulgated by the department must include
5 provisions addressing all of the following:

- 6 (a) Mandatory residential psychiatric program components.
- 7 (b) Periodic assessments and their components.
- 8 (c) Required individual treatment plans and their components.
- 9 (d) Treatment protocols and supportive services.
- 10 (e) Length of stay considerations.
- 11 (f) Discharge planning requirements.
- 12 (g) Required staffing levels.
- 13 (h) Clinical documentation requirements.
- 14 (i) Safety and emergency protocols.
- 15 (j) Pharmacy service requirements.
- 16 (k) Medication administration protocols.
- 17 (l) Reporting requirements.

18 (4) In promulgating rules as described under subsection (1),
19 the department shall also seek input from adult psychiatric
20 residential providers, relevant professional associations, and
21 consumer groups.

22 Sec. 25. (1) Upon petition by the director, the court may
23 appoint a receiver to take possession of and operate an APRTF
24 licensed under this act when conditions existing at the APRTF
25 present a substantial risk of physical or mental harm to residents
26 and no other remedies of law are adequate to protect the health,
27 safety, and welfare of the residents.

28 (2) Petitions filed under this section must include all of the
29 following:

1 (a) A description of the specific conditions that present a
2 substantial risk of physical or mental harm to residents.

3 (b) A statement of the absence of other adequate remedies of
4 law.

5 (c) The number of residents at the APRTF.

6 (d) A statement that the facts have been brought to the
7 attention of the licensee and that conditions have not been
8 remedied within a reasonable period of time or that the conditions,
9 though remedied periodically, habitually exist at the APRTF as a
10 pattern or practice.

11 (e) The name and address of the person holding the license for
12 the APRTF.

13 (3) A court in which a petition is filed under this section
14 shall give notice regarding the filing to the person holding the
15 license for the APRTF. The department shall send notice of the
16 filing to all of the following, as appropriate:

17 (a) The licensee.

18 (b) The APRTF owner.

19 (c) The APRTF operator.

20 (d) The APRTF residents.

21 (e) The APRTF residents' families and guardians.

22 (4) The court must provide a hearing on the petition not later
23 than 5 business days after the time the petition was filed, except
24 that the court may appoint a receiver before the time the court
25 determines that the circumstances necessitate appointing a
26 receiver.

27 (5) Following a hearing on the petition, and upon a
28 determination that the appointment of a receiver is warranted, the
29 court shall appoint a receiver and notify the department and

1 appropriate persons of this action.

2 (6) In setting forth the powers of the receiver, the court may
3 generally authorize the receiver to do all that is prudent and
4 necessary to safely and efficiently operate the APRTF within the
5 requirements of state and federal law but shall require the
6 receiver to obtain court approval before making a single
7 expenditure of more than \$5,000.00 to correct deficiencies in the
8 structure or furnishings of an APRTF. The court shall closely
9 review the conduct of the receiver and shall require regular and
10 detailed reports.

11 (7) A receivership established under this section must be
12 terminated, following notification of the appropriate parties and a
13 hearing, if the court determines either of the following:

14 (a) The APRTF has been closed and the former residents have
15 been relocated to an appropriate facility.

16 (b) Circumstances no longer exist at the APRTF that present a
17 substantial risk of physical or mental harm to residents and there
18 is no deficiency in the residential psychiatric program that is
19 likely to create a future risk of harm.

20 (8) Notwithstanding subsection (7)(b), the court shall not
21 terminate a receivership for an APRTF that has previously operated
22 under another receivership unless the responsibility for the
23 operation of the APRTF is transferred to another person approved by
24 the court and the department.

25 (9) Except for the department, no party or person interested
26 in an action must be appointed a receiver under this section. To
27 assist the court in identifying a person qualified to be named as a
28 receiver, the director shall maintain a list of the names of
29 qualified receivers. The department shall provide technical

1 assistance to a receiver appointed under this section.

2 (10) Before entering upon the duties of receiver, the receiver
3 must be sworn to perform the duties faithfully, and, with surety
4 approved by the court, judge, or clerk, execute a bond to the
5 person, and in a sum as the court directs, to the effect that the
6 receiver will faithfully discharge the duties of receiver in the
7 action, and obey the order of the court.

8 (11) Under the control of the appointing court, a receiver may
9 do both of the following:

10 (a) Bring and defend an action in the appointee's name as
11 receiver.

12 (b) Take and keep possession of property.

13 (12) The court shall authorize the receiver to do all of the
14 following:

15 (a) Collect payment for all goods and services provided to the
16 residents or others during the period of the receivership at the
17 same rate as was charged by the licensee at the time the petition
18 for receivership was filed, unless a different rate is set by the
19 court.

20 (b) Honor all leases, mortgages, and secured transactions
21 governing all buildings, goods, and fixtures of which the receiver
22 has taken possession, but, in the case of a rental agreement, only
23 to the extent of payments that are for the use of the property
24 during the period of the receivership, or, in the case of a
25 purchase agreement, only to the extent that payments become due
26 during the period of the receivership.

27 (c) If a transfer of residents is necessary, provide for the
28 orderly transfer of residents by doing any of the following:

29 (i) Cooperating with all appropriate state and local agencies

1 in carrying out the transfer of residents to alternative community
2 placements.

3 (ii) Providing for the transportation of residents' belongings
4 and records.

5 (iii) Helping to locate alternative placements and develop plans
6 for transfer.

7 (iv) Encouraging residents or guardians to participate in
8 transfer planning except if an emergency exists and immediate
9 transfer is necessary.

10 (d) Make periodic reports on the status of the APRTF to the
11 court and the appropriate state agencies. Each report must be made
12 available to residents, their guardians, and their families.

13 (e) Compromise demands or claims.

14 (f) Generally perform acts respecting the APRTF as the court
15 authorizes.

16 (13) Notwithstanding any other provision of law, a contract
17 necessary to carry out the powers and duties of the receiver does
18 not need to be competitively bid.

19 Enacting section 1. This act takes effect 90 days after the
20 date it is enacted into law.