

Superseded 3/25/2016

26-18-505 Authorization to sell or transfer licensed Medicaid beds -- Duties of transferor -- Duties of transferee -- Duties of division.

- (1) This section provides a method to transfer the license for a Medicaid bed from one nursing care facility program to another entity that is in addition to the authorization to transfer under Section 26-18-503.
- (2)
 - (a) A nursing care facility program may transfer or sell one or more of its licenses for Medicaid beds in accordance with Subsection (2)(b) if:
 - (i) at the time of the transfer, and with respect to the license for the Medicaid bed that will be transferred, the nursing care facility program that will transfer the Medicaid license meets all applicable regulations for Medicaid certification;
 - (ii) 30 days prior to the transfer, the nursing care facility program gives a written assurance to the director and to the transferee in accordance with Subsection 26-18-503(4); and
 - (iii) 30 days prior to the transfer, the nursing care facility program that will transfer the license for a Medicaid bed notifies the division in writing of:
 - (A) the number of bed licenses that will be transferred;
 - (B) the date of the transfer; and
 - (C) the identity and location of the entity receiving the transferred licenses.
 - (b) A nursing care facility program may transfer or sell one or more of its licenses for Medicaid beds to:
 - (i) a nursing care facility program that has the same owner or successor in interest of the same owner;
 - (ii) a nursing care facility program that has a different owner; or
 - (iii) an entity that intends to establish a nursing care facility program.
- (3) An entity that receives or purchases a license for a Medicaid bed:
 - (a) may receive a license for a Medicaid bed from more than one nursing care facility program;
 - (b) within 14 days of seeking Medicaid certification of beds in the nursing care facility program, give the division notice of the total number of licenses for Medicaid beds that the entity received and who it received the licenses from;
 - (c) may only seek Medicaid certification for the number of licensed beds in the nursing care facility program equal to the total number of licenses for Medicaid beds received by the entity, multiplied by a conversion factor of .7, and rounded down to the lowest integer;
 - (d) does not have to demonstrate need for the Medicaid licensed beds under Subsection 26-18-503(5);
 - (e) shall meet the standards for Medicaid certification other than those in Subsection 26-18-503(5), including personnel, services, contracts, and licensing of facilities under Chapter 21, Health Care Facility Licensing and Inspection Act; and
 - (f) shall obtain Medicaid certification for the licensed Medicaid beds within three years of the date of transfer as documented under Subsection (2)(a)(iii)(B).
- (4) The conversion formula required by Subsection (3)(c) shall be calculated:
 - (a) when the nursing care facility program applies to the Department for Medicaid certification of the licensed beds; and
 - (b) based on the total number of licenses for Medicaid beds transferred to the nursing care facility at the time of the request for Medicaid certification.
- (5)

- (a) When the division receives notice of a transfer of a license for a Medicaid bed under Subsection (2)(a)(iii)(A), the division shall reduce the number of licenses for Medicaid beds at the transferring nursing care facility:
 - (i) equal to the number of licenses transferred; and
 - (ii) effective on the date of the transfer as reported under Subsection (2)(a)(iii)(B).
- (b) For purposes of Section 26-18-502, the division shall approve Medicaid certification for the receiving entity:
 - (i) in accordance with the formula established in Subsection (3)(c); and
 - (ii) if:
 - (A) the nursing care facility seeks Medicaid certification for the transferred licenses within the time limit required by Subsection (3)(f); and
 - (B) the nursing care facility program meets other requirements for Medicaid certification under Subsection (3)(e).
- (c) A license for a Medicaid bed may not be approved for Medicaid certification without meeting the requirements of Sections 26-18-502 and 26-18-503 if:
 - (i) the license for a Medicaid bed is transferred under this section but the receiving entity does not obtain Medicaid certification for the licensed bed within the time required by Subsection (3)(f); or
 - (ii) the license for a Medicaid bed is transferred under this section but the license is no longer eligible for Medicaid certification as a result of the conversion factor established in Subsection (3)(c).