

DEFINITIONS

- ~~100.15.~~ Provisional Licensure is a temporary grant of authority to the purchaser to operate an existing long-term care facility upon application for licensure to the Office of Long Term Care.
- ~~100.156.~~ Regulations: The Rules and Regulations pertaining to Post-Acute Head Injury Retraining and Residential Care Facilities promulgated by the Office of Long Term Care pursuant to Act 602 of 1987.
- ~~100.167.~~ Residents: Any individual who receives services from a Facility.
- ~~100.178.~~ Resident's Sponsor: The person or agency legally responsible for the welfare and support of the Resident.
- ~~100.189.~~ Residential Area: An area used by Residents for sleeping and for daily living activities. A Residential Area may be less than the entire area of a building and there may be more than one Residential Area within a single building.
- ~~100.1920.~~ Sponsor: See "Resident Sponsor."
- ~~100.2021.~~ Staff. Any officer, employee, or agent of a Facility.
- ~~100.2122.~~ Time-out Techniques: Devices or procedures designed to improve a Resident's behavior by removing positive reinforcements when the Resident's behavior is undesirable.
- ~~209.~~ Temporary License: ~~The Office of Long Term Care may issue Temporary Licenses having a term of six months from their date of issue.~~

Provisional Licensure: Subject to the requirements below, a provisional license shall be issued to the Applicant and new operator of the long-term care facility when the Office of Long Term Care has received the Application for Licensure to Conduct a Long Term Care Facility. A provisional license shall be effective from the date the Office of Long-Term Care provides notice to the Applicant and new operator, until the date the long-term care license is issued. With the exception of Medicaid or Medicare provider status, a provisional license confers upon the holder all the rights and duties of licensure.

Prior to the issuance of a provisional license:

1. The purchaser and the seller of the long-term care facility shall provide the Office of Long Term Care with written notice of the change of ownership at least thirty (30) days prior to the effective date of the sale.

2. The Applicant and new operator of the long-term care facility shall provide the Office of Long Term Care with the application for licensure, including all applicable fees.
3. The Applicant and new operator of the long-term care facility shall provide the Office of Long Term Care with evidence of transfer of operational control signed by all applicable parties.

A provisional license holder may operate the facility under a new name, whether fictitious or otherwise. For purposes of this section, the term *new name* means a name that is different than the name under which the facility was operated by the prior owner, and the term “operate” means that the provisional license holder may hold the facility out to the public using the new name. Examples include, but are not limited to, signage, letterhead, brochures or advertising (regardless of media) that bears the new name.

In the event that the provisional license holder operates the facility under a new name, the facility shall utilize the prior name in all communications with the Office of Long Term Care until such time as the license is issued. Such communications include, but are not limited to, incident reports, notices, Plans of Correction, and MDS submissions. Upon the issuance of the license, the facility shall utilize the new name in all communications with the Office of Long Term Care.