State Regulations Pertaining to Ownership and Disclosure

Note: This document is arranged alphabetically by State. To move easily from State to State, click the “Bookmark” tab on the Acrobat navigation column to the left of the PDF document. This will open a Table of Contents for the document. The relevant federal regulations are at the end of the PDF.

ALABAMA

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420-5-10-.03 Administrative Management.

...(7) A current roster of the governing authority members shall be maintained in the nursing facility. At its discretion, the Alabama Department of Public Health may request that a copy of this roster be placed on file with the Division.

(a) The facility must supply full and complete information to the Alabama Department of Public Health as to the identity: (1) of each officer and director of the corporation where the nursing facility is organized as a corporation and (2) where a nursing facility is organized as a partnership.

(b) Of each person who has any direct or indirect ownership interest of 10 percent or more in such nursing facility or who is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such nursing facility or any of the property or assets of such nursing facility, and

...(43) Disclosure of ownership. The facility must comply with the disclosure requirements of Sections 420.206 and 455.104 of Title 42 Code of Federal Regulations revised 10/1/93.

(44) The facility must provide written notice to the Alabama Department of Public Health, if a change occurs in:

(a) Persons with an ownership or control interest, as defined by 420-5-10.02(6)(a)(I)-(X); (b) The officers, directors, agents, or managing employees;

(c) The corporation, association, or other company responsible for the management of the facility; or

(d) The facility’s administrator or director of nursing.

(45) The notice specified in the paragraph (44) of this section must include the identity of each new individual or company.

ALASKA

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Alaska regulations do not include specific content for disclosure of ownership.

ARIZONA
Arizona regulations do not include specific content for disclosure of ownership.

ARKANSAS

201 LICENSURE

Whenever ownership or controlling interest in the operation of a facility is sold, both the buyer and the seller must notify the Office of Long Term Care at least thirty (30) days prior to the completed sale. The thirty (30) day notice shall be the date the paperwork is stamped received by the Office of Long Term Care.

200 GENERAL PROVISIONS FOR LICENSURE

Each home applying for and receiving a license must furnish the following information:

1. The identity of each person directly or indirectly having an ownership interest of five (5) percent or more in such nursing home.

CALIFORNIA


(a) The licensee shall notify the Department in writing of any changes in the information provided pursuant to Sections 1265 and 1267.5, Health and Safety Code, within 10 days of such changes. This notification shall include information and documentation regarding such changes.

...(d) When a change in the principal officer of a corporate licensee (chairman, president or general manager) occurs the Department shall be notified within 10 days in writing by the licensee. Such writing shall include the name and business address of such officer.
Part 1. GOVERNING BODY

1.2 STRUCTURE

1.2.1 The facility shall disclose its ownership as required in Part 2, chapter II of these regulations.

Part 2. ADMINISTRATION

2.2 ORGANIZATION. The facility shall be organized formally to carry out its responsibilities with a plan of organization clearly defining the authority, responsibilities, and functions of each category of personnel.

19-13-D8t. Chronic and convalescent nursing homes and rest homes with nursing supervision

...(b) Licensure procedure.

...(5) Change in status. Change of ownership, level of care, number of beds or location shall require a new license to be issued. The licensee shall notify the department in writing no later than 90 days prior to any such proposed change.

Delaware regulations do not include specific content for disclosure of ownership.

District of Colombia regulations do not include specific content for disclosure of ownership.
59A-4.103 Licensure, Administration and Fiscal Management.


STATUTES:

400.071 Application for license.

(1) In addition to the requirements of part II of chapter 408, the application for a license shall be under oath and must contain the following:

...(b) A signed affidavit disclosing any financial or ownership interest that a controlling interest as defined in part II of chapter 408 has held in the last 5 years in any entity licensed by this state or any other state to provide health or residential care which has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason any such entity was closed, whether voluntarily or involuntarily...

400.111 Disclosure of controlling interest.

In addition to the requirements of part II of chapter 408, the licensee shall submit a signed affidavit disclosing any financial or ownership interest that a controlling interest has held within the last 5 years in any entity licensed by the state or any other state to provide health or residential care which entity has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntarily or involuntarily.
290-5-8-.02 Governing Body.

...(2) The ownership of the home shall be fully disclosed to the Department. In the case of corporations, partnerships and other bodies created by statute the corporate officers and all others owning ten percent or more of the corporate stock or ownership shall be made known to the Department.

290-5-8-.19 Application For Permit.

...(5) Proof of ownership shall accompany the application.

(a) Corporations shall submit a copy of their charter and the name and address of all owners with ten (10) percent or more of the stock and shall identify each corporate officer.

(b) Nonprofit associations and hospital authorities shall submit legal proof of the organization, the name and address of each trustee and the office held, if any;

(c) All others shall submit the name and address of each person owning any part of the facility.

§11-94-3 Licensing.

...(f) In the event of a change of name, location, ownership, or occupancy, the director shall be notified fifteen days prior to the change; an inspection at the discretion of the director, shall be conducted and, if the provisions of this chapter are met, a new license issued.

§11-94-24 Ownership and financial capability.

(a) The facility shall provide to the department current information in regard to:

(1) The name of each person who has (directly or indirectly) an ownership interest of ten per cent or more in the facility.

(2) The name of each person who is the owner (in whole or in part) of any mortgage, deed or trust, note or other obligation secured (in whole or in part) by the facility.

(3) Officers and directors of the corporation in case a facility is organized as a corporation and any changes in the officers and directors.

(4) The name of each partner in case a facility is organized as a partnership.
IDAHO

100. ADMINISTRATION.

01. Governing Body.

...b. The true name and current address for each person or business entity having a five percent (5%) or more direct, or indirect, ownership interest in the facility shall be supplied to the Department at the time of licensure application or preceding any change in ownership. (1-1-88)

ILLINOIS

Section 300.250 Ownership Disclosure

a) As a condition of the issuance or renewal of the license of any facility, the applicant shall file a statement of ownership. The applicant shall notify the Department of any change in the information required in the statement of ownership within ten days of the Change. (Section 3-207(a) of the Act)

b) A statement of ownership shall include the following:

1) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number, and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or more in the legal entity designated as the operator/licensee of the facility which is the subject of the application or license;

2) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number, and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or more in the legal entity that owns the building in which the operator/licensee is operating the facility which is the subject of the application or license; and

3) The name and address of any facility, wherever located, in which the applicant has any ownership interest. (Section 3-207(b) of the Act).

INDIANA

410 IAC 16.2-3.1-2 Licenses

Sec. 2.

...(c) The director may issue a health facility license for a new facility upon receipt, review, and approval of the following requirements:
(1) The applicant shall submit a license application on the prescribed form in accordance with IC 16-28-2-2. The applicant shall identify direct and indirect ownership interests of five percent (5%) or more and of officers, directors, and partners...

...(f) The director may issue a health facility license for a facility that has changed ownership upon receipt, review, and approval of the following requirements:

(1) The applicant shall submit a license application on the prescribed form in accordance with IC 16-28-2-2. The applicant shall identify direct and indirect ownership interests of five percent (5%) or more and of officers, directors, and partners...

...(h) For the renewal of a license, the director may issue a full license for any period up to one (1) year, issue a probationary license, or deny a license application upon receipt and review of the following requirements:

(1) The facility shall submit a renewal application to the director at least forty-five (45) days prior to the expiration of the license. The renewal application shall be on a form provided and approved by the division. The applicant shall identify direct or indirect ownership interests of five percent (5%) or more and of officers, directors, and partners...

...(j) Any change in direct or indirect corporate ownership of five percent (5%) or more that occurs during the licensure period shall be reported to the director, in writing, at the time of the change. The facility must also provide written notice at the time the change occurs in the officers, directors, agents, or managing employees, or the corporation, association, or other company responsible for the management of the facility.

IOWA

481—58.5(135C) Notifications required by the department.

The department shall be notified:

...58.5(7) Prior to the purchase, transfer, assignment, or lease of a nursing facility, the licensee shall:

a. Inform the department of the pending sale, transfer, assignment, or lease of the facility; (III)

b. Inform the department of the name and address of the prospective purchaser, transferee, assignee, or lessee at least 30 days before the sale, transfer, assignment, or lease is completed; (III)

c. Submit a written authorization to the department permitting the department to release all information of whatever kind from the department's files concerning the licensee's nursing facility to the named prospective purchaser, transferee, assignee, or lessee. (III)
KANSAS


...(c) Change of ownership or licensee.

(1) The current licensee shall notify the department, in writing, of any anticipated change in the information that is recorded on the current license at least 60 days before the proposed effective date of change.

KENTUCKY

902 KAR 20:008. License procedures and fee schedule.

Section 2. Licenses.

...(9) The licensee shall fully disclose to the cabinet the name and address, or a change in the name or address, of:

(a) Each person having an ownership interest of twenty-five (25) percent or more in the facility; and

(b) 1. Each officer or director of the corporation, if a facility is organized as a corporation; or

2. Each partner, if a facility is organized as a partnership.

LOUISIANA

§9703. Licensing Process

...B. The applicant or applicant's designee shall disclose to the department the name and address of all individuals with 5 percent or more ownership interest, and, in the instance where the nursing home is a corporation or partnership, the name and address of each officer or director, and board members.

C. If the nursing home is operated by a management company, or leased in whole or in part by another organization, the applicant or applicant's designee shall disclose to the department the name of the management firm and employer identification number, or the name of the leasing organization.
Maine regulations do not include specific content for disclosure of ownership.

Maryland

10.07.02.03 Licensing Procedure.

...(6) The applicant shall complete all disclosure required by the Secretary, including:

(a) Ownership of real property;

(b) The identity of any management company that will operate or contract with the applicant to operate the facility;

(c) Ownership of equipment; and

(d) The names of persons holding 5 percent or greater of stocks or assets.

Massachusetts

150.002: Administration

(1) The ownership of the facility and of any applicant or licensee shall be fully disclosed to the Department, including the name and addresses of all owners, or, in the case of corporations, the officers. Holders of all mortgages shall also be reported. Persons holding 10% or more of the stock in a facility shall be reported annually to the Department.
PART 2. LICENSURE

R 325.20203 Content of application

Rule 203.

...(2) A complete application shall include, at a minimum, all of the following:

...(c) Identification of owners and of financially interested persons as required by R 325.20207...

R 325.20207 Disclosure of ownership interests.

Rule 207.

(1) An applicant or licensee shall include all of the following with its application for an initial or renewed license:

(a) The name, address, principal occupation, and official position of all persons who have an ownership interest in the home.

(b) The name, address, principal occupation, and official position of each trustee for a voluntary nonprofit corporation.

(c) The most recent disclosure of ownership and related information prepared pursuant to the federal medicare-medicaid anti-fraud and abuse amendments of 1977, Public Law 95-142, 42 U.S.C. S1320a-3 and regulations promulgated thereunder.

(d) If a home is located on or in leased real estate, the name of the lessor and any direct or indirect interest the applicant or licensee has in the lease other than as lessee.

(2) The department may accept reports filed with the securities and exchange commission as compliance with this rule, if the department determines that such reports contain the information required.

333.20142 Application for licensure and certification; form; certifying accuracy of information; disclosures, reports; and notices; violation; penalty; false statement as felony.

Sec. 20142.

...(3) An applicant or a licensee under part 213 or 217 shall disclose the names, addresses, principal occupations, and official positions of all persons who have an ownership interest in the health facility or agency. If the health facility or agency is located on or in leased real estate, the applicant or licensee shall disclose the name of the lessor and any direct or indirect interest the applicant or licensee has in the lease other than as lessee. A change in ownership shall be reported to the director not less than 15
days before the change occurs, except that a person purchasing stock of a company registered pursuant
to the securities exchange act of 1934, 15 U.S.C. 78a to 78kk, is exempt from disclosing ownership in the
facility. A person required to file a beneficial ownership report pursuant to section 16(a) of the
securities exchange act of 1934, 15 U.S.C. 78p shall file with the department information relating to
securities ownership required by the department rule or order. An applicant or licensee proposing a
sale of a nursing home to another person shall provide the department with written, advance notice of
the proposed sale. The applicant or licensee and the other parties to the sale shall arrange to meet with
specified department representatives and shall obtain before the sale a determination of the items of
noncompliance with applicable law and rules which shall be corrected. The department shall notify the
respective parties of the items of noncompliance prior to the change of ownership and shall indicate
that the items of noncompliance must be corrected as a condition of issuance of a license to the new
owner. The department may accept reports filed with the securities and exchange commission relating
to the filings. A person who violates this subsection is guilty of a misdemeanor, punishable by a fine of
not more than $1,000.00 for each violation.

(4) An applicant or licensee under part 217 shall disclose the names and business addresses of
suppliers who furnish goods or services to an individual nursing home or a group of nursing homes
under common ownership, the aggregate charges for which exceed $5,000.00 in a 12-month period
which includes a month in a nursing home’s current fiscal year. An applicant or licensee shall disclose
the names, addresses, principal occupations, and official positions of all persons who have an
ownership interest in a business which furnishes goods or services to an individual nursing home or to
a group of nursing homes under common ownership, if both of the following apply:

(a) The person, or the person’s spouse, parent, sibling, or child has an ownership interest in the nursing
home purchasing the goods or services.

(b) The aggregate charges for the goods or services purchased exceeds $5,000.00 in a 12-month period
which includes a month in the nursing home’s current fiscal year.

(5) An applicant or licensee who makes a false statement in an application or statement required by the
department pursuant to this article is guilty of a felony, punishable by imprisonment for not more than
4 years, or a fine of not more than $30,000.00, or both.

333.20171 Rules implementing article; rules promulgated under § 333.21563.

Sec. 20171.

...(2) The rules applicable to health facilities or agencies shall be uniform insofar as is reasonable.

(3) The rules shall establish standards relating to:

...(b) Reasonable disclosure of ownership interests in proprietary corporations and of financial
interests of trustees of voluntary, nonprofit corporations and owners of proprietary corporations and
partnerships....
MINNESOTA

4658.0020 LICENSING IN GENERAL.
Subp. 15. Disclosure of controlling persons. According to Minnesota Statutes, section 144A.03, the nursing home license application must identify the name and address of all controlling persons of the nursing home, as defined in Minnesota Statutes, section 144A.01, subdivision 4.

4658.0050 LICENSEE.
Subp. 3. Responsibilities. A licensee is responsible for:
A. Full disclosure of each person having an interest of ten percent or more of the ownership of the home to the department with any change reported in writing within 14 days after the licensee knew of or should have known of the transfer, whichever occurs first. In case of corporate ownership, the name and address of each officer and director must be specified. If the home is organized as a partnership, the name and address of each partner must be furnished. In the case of a home operated by a lessee, the persons or business entities having an interest in the lessee organization must be reported and an executed copy of the lease agreement furnished. If the home is operated by the holder of a franchise, disclosure must be made as to the franchise holder who must also furnish an executed copy of the franchise agreement.

MISSISSIPPI

106 LICENSING

106.04 License Not Transferable. The license for a facility is not transferable or assignable to any other person except by written approval of the licensing agency and shall be issued only for the premises named in the application. The license shall be surrendered to the licensing agency on change of ownership, licensee, name or location of the institution, or in the event that the institution ceases to be operated as a facility. In event of change of ownership, licensee, name or location of the facility, a new application shall be filed.

MISSOURI

19 CSR 30-81.010 General Certification Requirements

...(10) If a facility certified to participate in the Title XIX (Medicaid) or Title XVIII (Medicare) program undergoes a change of operator, the new operator shall submit an application as specified in section (2) of this rule. The application shall be submitted within five (5) working days of the change of operator. For applications made for the Title XIX (Medicaid) program, the
department shall provide the application to the Division of Medical Services of the Department of Social Services so that a provider agreement can be negotiated and signed. For applications made for the Title XVIII (Medicare) program, the department shall provide the application to the CMS. Certification status will be retained unless or until formally denied.

19 CSR 30-82.010 General Licensure Requirements

(A) The applicant shall submit the following documents and information as listed in the application:

...8. A document disclosing the name, address, title, and percentage of ownership of each affiliate of any general partnership, limited partnership, general business corporation, nonprofit corporation, limited liability company, or governmental entity which owns or operates the facility or is an affiliate of an entity which owns or operates the facility. If an affiliate is a corporation, partnership, or LLC, a list of the affiliate’s affiliates must also be submitted. As used in this rule, the word “affiliate” means:

A. With respect to a partnership, each partner thereof;

B. With respect to a limited partnership, the general partner and each limited partner with an interest of five percent (5%) or more in the limited partnership;

C. With respect to a corporation, each person who owns, holds, or has the power to vote five percent (5%) or more of any class of securities issued by the corporation, and each officer and director;

D. With respect to an LLC, the LLC managers and members with an interest of five percent (5%) or more;

1. If applicable, a document stating the name and nature of any additional businesses in operation on the facility premises and the document issued by the division giving its prior written approval for each business;

2. A list of all principals in the operation of the facility and their addresses and titles and, so that the department may verify the information disclosed pursuant to paragraphs (1)(A)11. and (1)(A)12. of this rule, the Social Security numbers or employer identification numbers of the operator and all principals in the operation of the facility. As used in this rule, “principal” means officer, director, owner, partner, key employee, or other person with primary management or supervisory responsibilities;

3. Disclosure concerning whether the operator or any principals in the operation of the facility are excluded from participation in the Title XVIII (Medicare) or Title XIX (Medicaid) program of any state or territory;

4. Disclosure concerning whether the operator or any principals in the operation of the facility have ever been convicted of a felony in any state or federal court concerning conduct involving either management of a long-term care facility or the provision or receipt of health care services;

5. Emergency telephone, fax, and email contact information for the facility administrator, director of nursing, and the operator’s corporate office; and
6. Disclosure concerning whether the facility has a Department of Mental Health (DMH) license.

MONTANA
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Montana regulations do not include specific content for disclosure of ownership.

NEBRASKA
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12-003.01B Application Requirements: The application must include:

...8. List of names and addresses of all persons in control of the facility. The list must include all individual owners, partners, limited liability company members, parent companies, and members of boards of directors owning or managing the operations and any other persons with financial interests or investments in the facility. In the case of publicly held corporations, the individual owners listed must include any stockholders who own 5% or more of the company's stock...

12-004.06 Change of Ownership or Premises: The licensee must notify the Department in writing ten days before a skilled nursing facility, nursing facility, or intermediate care facility is sold, leased, discontinued, or moved to new premises.

NEVADA
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GENERAL REQUIREMENTS FOR LICENSURE

NAC 449.011 Application for license...In addition to the information required by NRS 449.040 and any other information specifically required for a particular license, must include:

(a) Full, complete and accurate information regarding the ownership of the facility or program and all changes to that ownership that occur while the application is pending. The information must include the name of:

(1) Each natural person who is an owner of the facility or program;

(2) Each person who has a direct or indirect ownership interest in the facility or program of 10 percent or more and who is the owner, in whole or in part, of any mortgage, deed of trust, note or other obligation secured in whole or in part by the facility or program or any of the property or assets of the facility or program;

(3) If the applicant is a corporation, each officer and director; and
(4) If the applicant is a partnership, each partner...

**Licensing and Administration of Facility**

NAC 449.74413 Change in ownership, use or construction of facility. (NRS 449.037)

1. The owner of a facility for skilled nursing shall, at least 30 days before there is a change of ownership, change of use or change in the construction of the facility, notify the Bureau of that change. If the facility is not in compliance with the Guidelines for Design and Construction of Hospital and Health Care Facilities adopted by reference pursuant to NAC 449.0105, the notice must identify those provisions of the guidelines with which the facility has failed to comply.

**NEW HAMPSHIRE**

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**He-P 803.08 Nursing Home Requirements for Organizational Changes.**

(a) The nursing home shall provide the department with written notice at least 30 days prior to changes in any of the following:

1. Ownership;
2. Physical location;
3. Address;
4. Name;
5. Capacity; or
6. Affiliated parties or related parties.

**NEW JERSEY**

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**SUBCHAPTER 9. MANDATORY ADMINISTRATION**

8:39-9.1 Ownership

(a) The facility shall inform the Department of the ownership and management of the facility and its location, and proof of ownership shall be available at the facility.

1. In the case of group or corporate management of a facility, the facility shall specify:

   i. The name and address of the firm or corporation; and
ii. The names and addresses of all stockholders who own 10% or greater of the voting shares; members of any limited liability corporation; partners; and directors of the firm or corporation.

2. Any proposed change in ownership shall be approved by the Department in accordance with N.J.A.C. 8:39-2.12.

NEW MEXICO

7.9.2.8 LICENSURE:

A. APPLICATION/REQUIREMENTS FOR LICENSURE:

...(2) In every application, the applicant shall provide the following information:

(a) The identities of all persons or business entities having the authority, directly or indirectly, to direct or cause the direction of the management or policies of the facility;

(b) The identities of all persons or business entities having five percent (5%) ownership interest whatsoever in the facility, whether direct or indirect, and whether the interest is in the profits, land or building, including owners of any business entity which owns any part of the land or building, and

(c) The identities of all creditors holding a security interest in the premises, whether land or building; and

(d) In the case of a change of ownership, disclosure of any relationship or connection between the old licensee and the new licensee, and between any owner or operator of the new licensee, whether direct or indirect.

7.9.2.14 REPORT OF CHANGES:

A. The licensee shall notify the department in writing of any changes in the information provided, within ten (10) days of such changes. This notification shall include information and documentation regarding such changes.

NEW YORK

Section 415.28 Disclosure of ownership.

The nursing home shall make available pertinent information concerning the identity of the owner and/or governing body and in addition shall:

(a) comply with the provisions of subdivision (b) of section 401.3 of this Title regarding any proposed changes in the name of a business, corporation, partnership or governmental subdivision and any proposed initial use of, or change in, an assumed name of a business corporation, not-for-profit corporation, partnership, governmental subdivision or sole
proprietor, operating a medical facility or fundraiser under Article 28 of the Public Health Law, or any proposed substitution of the individual or individuals constituting the governing body or owner of a proprietary medical facility or any proposed change in the rights, privileges or obligations of any such person;

(b) comply with the provisions of section 600.11 of this Title regarding Name Changes of Operators and Medical Facilities;

(c) provide written notice to the Department, at the time of change, if a change occurs in the nursing home's administrator or director of nursing; and

(d) ensure that the notice provided in accordance with subdivision (c) of this section includes the identity of each new individual.

NORTH CAROLINA

SECTION .2100 - LICENSURE

10A NCAC 13D .2101 APPLICATION REQUIREMENTS

...(b) The application shall contain the following:

...(4) ownership disclosure...

10A NCAC 13D .2104 REQUIREMENTS FOR LICENSURE RENEWAL OR CHANGES

...(b) The facility shall notify the Nursing Home Licensure and Certification Section of the Division of Health Service Regulation in writing and make changes in the licensure application at least 30 days prior to the occurrence of the following:

...(2) a change in the legal identity (licensee) which has ownership responsibility and liability (such information shall be submitted by the proposed new owner)...

NORTH DAKOTA

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33-07-03.2-03. Application for and issuance of license.

...6. The facility shall notify the department in writing thirty days in advance of any of the following changes:

a. Transfer or change of ownership...
3701-17-03 License fee; application; issuance; revocation.

...(C) The initial application for a license to operate a nursing home shall be accompanied by:

...(3) A statement of ownership containing the following information:

(a) If the operator is an individual, the individual's name, address, and telephone number. If the operator is an association, corporation, or partnership, the business activity, address, and telephone number of the entity and the name of every person who has an ownership interest of five per cent or more in the entity;

(b) If the operator does not own the building or buildings or if the operator owns only part of the building or buildings in which the nursing home is housed, the name of each person who has an ownership interest of five per cent or more in the buildings;

(c) The name and address of any nursing home and any facility described in divisions (A)(1)(a) and (A)(1)(c) of section 3721.01 of the Revised Code in which the operator or administrator, or both, have an ownership interest of five per cent or more or with which the operator or administrator have been affiliated with through ownership or employment in the five years prior to the date of the application...

Subchapter 3 - Licenses

310:675-3-4.1. Forms

The applicant for a license shall file application forms as follows:

(1) For an initial license of a new facility, or for an existing facility following a transfer of ownership or operation, the applicant shall file these forms:... Disclosure Statement of Owner...

310:675-3-5.1. Description of forms

(a) The forms used to apply for a facility license are the following.

...(2) The Disclosure Statement of Owner, Lessee and Manager for a Nursing or Specialized Facility (Form 953-B) requires: the names and types of legal entities for the owner, lessee and manager; name,
address and tax identification number for any person or entity disclosed pursuant to 310:675-3-1.1(e); and an oath affirming the truth, correctness and completeness of the information provided.

(3) The Detail Attachment (Form 953-C) supplements the Disclosure Statement (Form 953-B) and requires the names and addresses for the following as applicable:

(A) All shareholders owning 5% or more of a corporate entity and all officers of a corporate entity;
(B) All partners of a general partnership;
(C) All general partners and all limited partners that own 5% or more of a limited partnership;
(D) All members that own 5% or more of a limited liability company and all managers of a limited liability company;
(E) All beneficiaries that hold a 5% or more beneficial interest in a trust and all trustees of the trust;
(F) All persons or entities that own a 5% or more interest in a joint venture;
(G) All persons or entities that own a 5% or more interest in an association;
(H) The owners holding a 5% or more interest of any other type of legal entity; and
(I) Any other person holding at least a five percent (5%) interest in any entity which owns, operates, or manages the facility.

(J) As a substitute to submitting a Disclosure Statement and Detail Attachment, if the owner, lessee and/or manager is an entity that is publicly traded and is required to file periodic reports under the Securities and Exchange Act of 1934, or is a wholly owned subsidiary of such a publicly held company, the applicant may submit the applicable portions of the most recent annual and quarterly reports required by the Securities and Exchange Commission (SEC). The applicant shall include an index reflecting where each item of information required to be disclosed pursuant to the Disclosure Statement and Detail Attachment may be located in the SEC filings. Submission of the complete SEC filing is not required. Only those portions applicable to the Disclosure Statement and Detail Attachment are to be submitted.

(K) The required disclosure shall also be made by all persons or entities with an ownership interest in any entity required to be disclosed in paragraphs (A) through (I) of this section that is equal to a 5% or more indirect ownership interest in the owner, lessee and/or manager. The disclosure shall be made at each level of the organization to the extent required by this subsection.

(L) For purposes of subsection (K), the percentage of indirect ownership interest in the owner, lessee and/or manager is determined by multiplying the percentages of ownership in each entity. For example, if A owns 10% of the stock in a corporation that owns 80% of the applicant for
license, A’s interest equates to an 8% indirect ownership interest in the applicant and must be reported. Conversely, if B owns 80 percent of the stock of a corporation that owns a 5% interest of the stock of the applicant, B’s interest equates to a 4% indirect ownership interest in the applicant and need not be reported.

(4) The Affirmation Attachment (Form 953-D) supplements the Disclosure Statement (Form 953-B) and requires the following: the names and addresses of individuals, members, officers and/or registered agents required to be disclosed for the applicant pursuant to 310:675-3-5.1(a)(3); and an affirmation from each of the above concerning their age, character and health.

(5) The Staffing Projection and Professional Certification for a Nursing or Specialized Facility (Form 953-E) requires: a projected staffing pattern; and a certification from the director of nursing, the physician on call for medical emergencies, and the pharmacist providing consultation and emergency pharmacy services.

(6) The Periodic Report for Suspended License (Form 953-F) requires: the name and address of the facility; the applicant’s name and address, contact person and address; report of progress in reopening the facility; request for extension based on extenuating circumstances; and an oath affirming the truth, correctness and completeness of the information provided.

(b) The Notice of Change requests information on the name and address of the facility; the administrator; the number and type of beds; the applicant; confirmation of changes in the owner, lessee or manager; and any change in disclosure of persons or entities pursuant 310:675-3-1.1(e).

310:675-3-8. Notice of change

(a) If changes occur so that information previously submitted in a facility’s license application is no longer correct, the facility shall notify the Department. Notice is required of changes to the following information:

... (4) Owner, lessee or manager disclosure or detail information that does not otherwise necessitate an initial license; and

(5) Disclosure of persons or entities required to be disclosed pursuant 310:675-3-1.1(e).
411-085-0010 Issuance of License.

...(4) Application for Initial Licensure and License Renewal.

(a) The application(s) shall be on a form or forms provided by The Department and shall include all information requested by The Department including, but not limited to, identity and financial interest of any person, including stockholders who have an incident of ownership in the applicant representing an interest of ten percent or more or ten percent of a lease agreement for the facility.

NOTE: Facilities applying for Medicaid and/or Medicare certification are required by federal law to identify applicants representing a five percent or more interest.

...(c) The application will require the identification of any person who has ten percent incident of ownership, direct or indirect, in a pharmacy or in any business that provides services or supplies to nursing facilities. If any such person(s) exist(s), the application must identify the person, the name and address of the pharmacy or business.

411-085-0025 Change of Ownership or Operator/Cessation of Business

(1) PENDING CHANGE OF OWNERSHIP/MANAGEMENT. When a change of ownership or a change of operator is contemplated, the licensee and the prospective licensee must each notify The Department in writing of the contemplated change. The change of ownership/operator must be received by The Department at least 45 days prior to the proposed date of transfer. A shorter timeframe may be allowed at the sole discretion of The Department. The notification must be in writing and must include the following:

(a) Name and signature of the current licensee;

(b) The name of the prospective licensee;

(c) The proposed date of the transfer;

(d) Type of transfer (e.g., sale, lease, rental, etc.).

(e) A complete, signed nursing facility application from the prospective licensee.

§ 201.12. Application for license.

...(b) The following shall be submitted with the application for licensure:

(1) The names and addresses of a person who has direct or indirect ownership interest of 5% or more in the facility as well as a written list of the names and addresses of the facility's officers and members of the board of directors...

§ 51.4. Change in ownership; change in management.
(a) A health care facility shall notify the Department in writing at least 30 days prior to transfer involving 5% or more of the stock or equity of the health care facility.

(b) A health care facility shall notify the Department in writing at least 30 days prior to a change in ownership or a change in the form of ownership or name of the facility. A change in ownership shall mean any transfer of the controlling interest in a health care facility.

(c) A health care facility shall notify the Department in writing within 30 days after a change of management of a health care facility. A change in management occurs when the person responsible for the day to day operation of the health care facility changes.

RHODE ISLAND

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Section 4.0 Application for License or for Changes in Owner, Operator, or Lessee

4.2 A notarized listing of names and addresses of direct and indirect owners whether individual, partnership, or corporation, with percentages of ownership designated, shall be provided with the application for licensure and shall be updated annually. If a corporation, the list shall include all officers, directors and other persons or any subsidiary corporation owning stock.

Additional Information Required of all Nursing Facilities

5.16 Effective January 1, 2006, any nursing facility applying for initial licensure or renewal of its license that contracts with a management company to assist with the facility's operation shall file a copy of the management contract with the Department including the management fee and, if the management company is a corporation or limited liability company, shall identify every person having an ownership interest of five percent (5%) or more in such corporation or limited liability company and, if the management company is a general partnership or limited partnership, shall identify all general or limited partners of such general partnership or limited partnership.

Section 7.0 Change of Ownership, Operation and/or Location

7.1 When a change of ownership, as defined in the rules and regulations pursuant to reference 5, or in operation or location of a facility or when discontinuation of services is contemplated the owner and/or operator shall notify the licensing agency in writing no later than six (6) weeks prior to the proposed action.
SECTION 200 - LICENSE REQUIREMENTS AND FEES

201. License Requirements

...H. Application...The application shall set forth the full name and address of the facility for which the license is sought and of the owner in the event his or her address is different from that of the facility, the names of the persons in control of the facility.

SOUTH DAKOTA

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South Dakota regulations do not include specific content for disclosure of ownership.

TENNESSEE

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1200-08-06-.02 LICENSING PROCEDURES.

...(3) A proposed change of ownership, including a change in a controlling interest, must be reported to the department a minimum of thirty (30) days prior to the change. A new application and fee must be received by the department before the license may be issued.

(a) For the purpose of licensing, the licensee of a nursing home has the ultimate responsibility for the operation of the facility, including the final authority to make or control operational decisions and legal responsibility for the business management. A change of ownership occurs whenever this ultimate legal authority for the responsibility of the nursing home’s operation is transferred.

(b) A change of ownership occurs whenever there is a change in the legal structure by which the nursing home is owned and operated.

(c) Transactions constituting a change of ownership include, but are not limited to, the following:

1. Transfer of the facility's legal title;

2. Lease of the facility's operations;

3. Dissolution of any partnership that owns, or owns a controlling interest in, the facility.

4. One partnership is replaced by another through the removal, addition or substitution of a partner;

5. Removal of the general partner or general partners, if the facility is owned by a limited partnership;
6. Merger of a facility owner (a corporation) into another corporation where, after the merger, the owner’s shares of capital stock are canceled;

7. The consolidation of a corporate facility owner with one or more corporations; or,

8. Transfers between levels of government.

(d) Transactions which do not constitute a change of ownership include, but are not limited to, the following:

1. Changes in the membership of a corporate board of directors or board of trustees;

2. Two (2) or more corporations merge and the originally-licensed corporation survives;

3. Changes in the membership of a non-profit corporation;

4. Transfers between departments of the same level of government; or,

5. Corporate stock transfers or sales, even when a controlling interest.

(e) Management agreements are generally not changes of ownership if the owner continues to retain ultimate authority for the operation of the facility. However, if the ultimate authority is surrendered and transferred from the owner to a new manager, then a change of ownership has occurred.

(f) Sale/lease-back agreements shall not be treated as changes in ownership if the lease involves the facility’s entire real and personal property and if the identity of the leasee, who shall continue the operation, retains the same legal form as the former owner.

Sec. 242.0021. CONTROLLING PERSON.

(a) A person is a controlling person if the person has the ability, acting alone or in concert with others, to directly or indirectly influence, direct, or cause the direction of the management, expenditure of money, or policies of an institution or other person.

(b) For purposes of this chapter, "controlling person" includes:

(1) a management company, landlord, or other business entity that operates or contracts with others for the operation of an institution;

(2) any person who is a controlling person of a management company or other business entity that operates an institution or that contracts with another person for the operation of an institution; and

(3) any other individual who, because of a personal, familial, or other relationship with the owner, manager, landlord, tenant, or provider of an institution, is in a position of actual control or authority with respect to the institution, without regard to whether the individual is formally named as an owner, manager, director, officer, provider, consultant, contractor, or employee of the facility.
(b-1) Notwithstanding any other provision of this section, for purposes of this chapter, a controlling person of an institution or of a management company or other business entity described by Subsection (b)(1) that is a publicly traded corporation or is controlled by a publicly traded corporation means an officer or director of the corporation. The term does not include a shareholder or lender of the publicly traded corporation.

(c) A controlling person described by Subsection (b)(3) does not include a person, such as an employee, lender, secured creditor, or landlord, who does not exercise any influence or control, whether formal or actual, over the operation of an institution.

(d) The department may adopt rules that define the ownership interests and other relationships that qualify a person as a controlling person.

RULE §19.202 Building Approval

Change of ownership. The applicant for a change of ownership license must provide to DHS a copy of a letter notifying the local health authority of the request for a change of ownership. The local health authority may provide recommendations to DHS regarding the status of compliance with local codes, ordinances, or regulations.

RULE §19.204 Application Requirements

(a) Applications. All applications must be made on forms prescribed by and available from DADS.

...(2) Changes to information required in the application must be reported to DADS, as required by §19.1918 of this title (relating to Disclosure of Ownership).

Change of Ownership License

(a) ... The license holder and new license applicant must notify the Department of Aging and Disability Services before a change of ownership occurs.

(1) Sole proprietor. A change of ownership occurs if:

(A) the sole proprietor who is licensed to operate the facility sells or otherwise transfers its business of operating the facility to an entity not licensed to operate the facility; or

(B) upon the death of the sole proprietor, the facility continues to operate.

(2) General Partnership (as defined in the Texas Business Organization Code, §1.002). A change of ownership occurs if:

(A) a partner of a general partnership that is licensed to operate the facility is added or substituted;

(B) the partnership that is licensed to operate the facility is sold or otherwise transferred to an entity that is not licensed to operate the facility;

(C) the entity that is licensed to operate the facility sells or otherwise transfers its business of operating the facility to an entity that is not licensed to operate the facility;

(D) for any reason other than correction of an error, the federal taxpayer identification number changes; or
(E) the entity that is licensed to operate the facility is terminated and fails or is ineligible to be reinstated, and the facility continues to operate.

(3) Limited Partnership (as defined in the Texas Business Organization Code, §1.002). A change of ownership occurs if:

(A) a general partner of a limited partnership that is licensed to operate the facility is added or substituted;

(B) ownership of the limited partnership that is licensed to operate the facility changes by 50% or more and one or more controlling person is added;

(C) the partnership that is licensed to operate the facility is sold or otherwise transferred to an entity that is not licensed to operate the facility;

(D) the entity that is licensed to operate the facility sells or otherwise transfers its business of operating the facility to an entity that is not licensed to operate the facility;

(E) for any reason other than correction of an error, the federal taxpayer identification number changes; or

(F) the entity that is licensed to operate the facility is terminated and fails or is ineligible to be reinstated, and the facility continues to operate.

(4) Nonprofit organization. A change of ownership occurs if:

(A) the nonprofit organization that is licensed to operate the facility is sold or otherwise transferred to an entity that is not licensed to operate the facility;

(B) the entity that is licensed to operate the facility sells or otherwise transfers its business of operating the facility to an entity that is not licensed to operate the facility;

(C) for any reason other than correction of an error, the federal taxpayer identification number changes; or

(D) the entity that is licensed to operate the facility is terminated and fails or is ineligible to be reinstated, and the facility continues to operate.

(5) For-profit corporation or limited liability company. A change of ownership occurs if:

(A) ownership of the business entity that is licensed to operate the facility changes by 50% or more and one or more controlling person is added;

(B) the business entity that is licensed to operate the facility is sold or otherwise transferred to an entity that is not licensed to operate the facility;

(C) the entity that is licensed to operate the facility sells or otherwise transfers its business of operating the facility to an entity that is not licensed to operate the facility;

(D) for any reason other than correction of an error, the federal taxpayer identification number changes; or
(E) the entity that is licensed to operate the facility is terminated and fails or is ineligible to be reinstated, and the facility continues to operate.

(6) City, county, state or federal government authority, hospital district, or hospital authority. A change of ownership occurs if:

(A) the governmental entity that is licensed to operate the facility sells or otherwise transfers its business of operating the facility to an entity that is not licensed to operate the facility; or

(B) the entity that is licensed to operate the facility is terminated and the facility continues to operate.

(7) Trust, living trust, estate or any other entity type not included in paragraphs (1) - (6) of this subsection. A change of ownership occurs if:

(A) the entity that is licensed to operate the facility is sold or otherwise transferred to an entity that is not licensed to operate the facility;

(B) the entity that is licensed to operate the facility sells or otherwise transfers its business of operating the facility to an entity that is not licensed to operate the facility;

for any reason other than correction of an error, the federal taxpayer identification number changes; or

the entity that is licensed to operate the facility is terminated and the facility continues to operate.

(8) For license holders that have multiple-level ownership structures, a change of ownership also occurs if any action described in paragraphs (1) - (7) of this subsection occurs at any level of the license holder's entire ownership structure.

(9) For paragraphs (3)(B) and (5)(A) of this subsection, the substitution of the executor of a decedent's estate for a decedent is not the addition of a controlling person.

(10) A conversion as described in Subchapter C of Chapter 10 of the Texas Business Organization Code is not a change of ownership if no controlling person is added.

**RULE §19.1918 Disclosure of Ownership**

(a) The facility must comply with the disclosure requirements of 42 Code of Federal Regulations, §420.206 and §455.104.

(b) The facility must provide written notice to Facility Enrollment, Long-Term Care-Regulatory, Texas Department of Human Services (DHS) at the time of change if a change occurs in:

(1) persons with an ownership or control interest, as defined in 42 Code of Federal Regulations, §420.201 and §455.101;

(2) the officers, directors, agents or managing employees;

(3) the corporation, association, or other company responsible for the management of the facility;

(4) the facility's administrator or director of nursing; or

(5) the controlling person.
(c) The notice specified in subsection (b) of this section must include the identity of each new individual or company.

(d) Failure to notify Facility Enrollment within 30 days of a change specified in subsection (b) will result in a $500 administrative penalty. If the notice is postmarked within the 30-day period, 15 days will be added to the time period to receive the notice.

**RULE §19.2308 Change of Ownership**

(a) Definition. An ownership change is defined in §19.210(c) of this title (relating to Temporary Change of Ownership). For purposes of this section, prior owner is defined as the legal entity with a Medicaid contract for the facility before the change of ownership. The new owner is the legal entity to which DADS has assigned the contract (in accordance with 42 CFR §442.14 and subsection (d) of this section). The effective date of the ownership change is the effective date of the new owner's license for the facility.

(b) Notice of ownership change. The prior owner must give DADS written notice of a change of ownership at least 30 days before the effective date of the change. If written notice of the change is not received 30 days before the agreed change date, DADS is not responsible for payments made to the prior owner or new owner that do not reflect the established change date. DADS will not make a duplicate payment. It is the responsibility of the prior and new owner to make arrangements between themselves for such contingencies.

**UTAH**

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R432-2-6. Application.

...(3) The applicant shall submit the following:

(a) a list of all officers, members of the boards of directors, trustees, stockholders, partners, or other persons who have a greater than 25 percent interest in the facility;

(b) the name, address, percentage of stock, shares, partnership, or other equity interest of each person; and

(c) a list, of all persons, of all health care facilities in the state or other states in which they are officers, directors, trustees, stockholders, partners, or in which they hold any interest.


(1) As used in this section, an "owner" is any person or entity:

(a) ultimately responsible for operating a health care facility; or

(b) legally responsible for decisions and liabilities in a business management sense or that bears the final responsibility for operating decisions made in the capacity of a governing body.

(2) The owner of the health care facility does not need to own the real property or building where the facility operates.
3) A property owner is also an owner of the facility if he:

(a) retains the right or participates in the operation or business decisions of the enterprise;

(b) has engaged the services of a management company to operate the facility; or

(c) takes over the operation of the facility.

4) A licensed provider whose ownership or controlling ownership interest has changed must submit a Request for Agency Action/License Application and fees to the department 30 days prior to the proposed change.

17. DISCLOSURE OF OWNERSHIP

17.1 Initial Disclosure The facility must comply with the disclosure requirements in subsection 2.5(b).

17.2 On-going Disclosure

The facility must provide written notice to the state agency responsible for licensing the facility, at the time of any change, if a change occurs in:

(a) persons with an ownership or control interest of 5% or more, or who have been convicted of Medicaid fraud;

(b) the officers, directors, agents or managing employees;

(c) the corporation, association or other company responsible for the management of the facility; or

(d) the facility's administrator or director of nursing.
12 VAC 5-371-120. Governing body.

C. The governing body shall disclose the names and addresses of any individual or entity that holds 5% or more ownership interest in the operation of the nursing facility.

E. The governing body shall notify the OLC in writing 30 days in advance of changes affecting the accuracy of the license. Changes affecting the accuracy of the license are:

1. Any proposed change in management contract or lease agreement to operate the nursing facility...

... 4. A change in ownership.

388-97-1640 Required notification and reporting.

...(3) The nursing home must notify the department's aging and disability services administration of:

...(c) An actual or proposed change of ownership (CHOW).

388-97-4160 Initial nursing home license.

...(2) All information requested on the license application must be provided. At minimum, the nursing home license application will require the following information:

...(e) The name and address of all nursing homes that the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee has been affiliated with in the past ten years.

388-97-4280 Change of ownership.

...(3) When a change of ownership is contemplated, the current licensee must notify the department and all residents and their representatives at least sixty days prior to the proposed date of transfer. The notice must be in writing and contain the following information as specified in RCW 18.51.530:

(a) Name of the proposed licensee;

(b) Name of the managing entity;

(c) Names, addresses, and telephone numbers of department personnel to whom comments regarding the change may be directed;
(d) Names of all officers and the registered agent in the state of Washington if proposed licensee is a corporation; and

(e) Names of all general partners if proposed licensee is a partnership.

WEST VIRGINIA

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West Virginia regulations do not include specific content for disclosure of ownership.

WISCONSIN

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Subchapter I — General

HFS 132.14 Licensure.

...(3) REQUIREMENTS FOR LICENSURE.

(a) In every application the license applicant shall provide the following information:

...2. The identities of all persons or business entities having any ownership interest whatsoever in the facility, whether direct or indirect, and whether the interest is in the profits, land or building, including owners of any business entity which owns any part of the land or building;

...4. In the case of a change of ownership, disclosure of any relationship or connection between the old licensee and the new licensee, and between any owner or operator of the old licensee and the owner or operator of the new licensee, whether direct or indirect.

WYOMING

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Wyoming regulations do not include specific content for disclosure of ownership.
§ 483.75 Administration.

...(p) Disclosure of ownership.

(1) The facility must comply with the disclosure requirements of §§420.206 and 455.104 of this chapter.

(2) The facility must provide written notice to the State agency responsible for licensing the facility at the time of change, if a change occurs in—

(i) Persons with an ownership or control interest, as defined in §§420.201 and 455.101 of this chapter;

(ii) The officers, directors, agents, or managing employees;

(iii) The corporation, association, or other company responsible for the management of the facility; or

(iv) The facility's administrator or director of nursing.

(3) The notice specified in paragraph (p)(2) of this section must include the identity of each new individual or company.