

2023 Kansas Statutes

39-959. Powers and duties of receiver. (a) A receiver appointed in accordance with the provisions of this act shall have the following powers and duties:

- (1) Conduct the day to day business operations of the adult care home;
- (2) operate the adult care home to provide safe and adequate healthcare for the residents of the adult care home;
- (3) correct or eliminate any deficiency in the adult care home that concerns the health, safety, nutrition or sanitation of the residents of the adult care home and that is life threatening or endangering;
- (4) provide for the orderly transfer of all residents of the adult care home to other adult care homes or make other provisions for such residents' continued safety and healthcare, as necessary;
- (5) be entitled to the immediate use of all proceeds of any accounts receivable to discharge the powers and duties of the receiver;
- (6) collect incoming payments from all sources and apply such payments to costs incurred in the performance of the receiver's powers and duties, including compensation of the receiver, if any;
- (7) enter into or terminate contracts as necessary to carry out the receiver's powers and duties and incur expenses for individual items for repairs, improvements or supplies, without being subject to any requirements to procure competitive bids established by law;
- (8) repay expenditures of the receiver from moneys appropriated to the Kansas department for aging and disability services for purposes set forth in K.S.A. 39-954 et seq., and amendments thereto, if incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties; and
- (9) other powers and duties as authorized or imposed by the district court.

(b) If incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties, the receiver may:

- (1) Pay post-receivership quality care assessments as established under Kansas law;
- (2) reimburse the owner or licensee, as appropriate, a fair monthly rental for the adult care home, taking into account all relevant factors, including the condition of such adult care home and set-offs arising from improvements made by the receiver; and
- (3) give fair compensation to the owner or licensee, as appropriate, for all property taken or used during the course of the receivership if such person has not previously received compensation for the property being taken or used.

History: L. 1978, ch. 162, § 6; L. 2019, ch. 55, § 34; May 9.