

441—81.39 (249A) Temporary management. The department of inspections and appeals may appoint a temporary manager from qualified applicants.

81.39(1) Qualifications. The temporary manager must:

- a.* Be qualified to oversee correction of deficiencies on the basis of experience and education, as determined by the department of inspections and appeals.
- b.* Not have been found guilty of misconduct by any licensing board or professional society in any state.
- c.* Have, or a member of the manager's immediate family have, no financial ownership interest in the facility.
- d.* Not currently serve or, within the past two years, have served as a member of the staff of the facility.

81.39(2) Payment of salary. The temporary manager's salary:

- a.* Is paid directly by the facility while the temporary manager is assigned to that facility.
- b.* Shall be at least equivalent to the sum of the following:
 - (1) The prevailing salary paid by providers for positions of this type in the facility's geographic area.
 - (2) Additional costs that would have reasonably been incurred by the provider if the person had been in an employment relationship.
 - (3) Any other transportation and lodging costs incurred by the person in furnishing services under the arrangement up to the maximum per diem for state employees.

c. May exceed the amount specified in paragraph "b" if the department of inspections and appeals is otherwise unable to attract a qualified temporary manager.

81.39(3) Failure to relinquish authority to temporary management.

- a.* If a facility fails to relinquish authority to the temporary manager, the provider agreement shall be terminated in accordance with rule 441—81.57(249A).
- b.* A facility's failure to pay the salary of the temporary manager is considered a failure to relinquish authority to temporary management.

81.39(4) Duration of temporary management. Temporary management ends when the facility meets any of the conditions specified in subrule 81.56(3).