

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).