

(4) Unless the facility is the representative payee, the representative payee that the Social Security Administration designates for the resident.

19-345.

(a) A resident of a facility may not be transferred or discharged from the facility involuntarily except for the following reasons:

- (1) A medical reason;
- (2) The welfare of the resident or other residents;
- (3) Knowingly transferring personal assets in violation of a contract provision and only to become eligible for Medicaid benefits; or
- (4) A nonpayment for a stay.

(b) (1) Unless an emergency exists, at least 30 days before a facility transfers or discharges a resident involuntarily, the facility shall give written notice to the resident and the next of kin or guardian of the person of the resident.

(2) The notice shall state each reason for the transfer or discharge.

(3) The facility shall give the resident an opportunity for a hearing on the proposed transfer or discharge.

(c) (1) A Medicaid certified facility may not:

(i) Include in the admission contract of a resident any requirement that, to stay at the facility, the resident continue as a private pay resident for more than 1 year, if the resident becomes eligible for Medicaid benefits; or

(ii) Transfer or discharge a resident involuntarily because the resident is a Medicaid benefits recipient.

(2) A Medicaid certified facility is presumed to be transferring or discharging a resident in violation of this subsection, if the resident is or becomes eligible for Medicaid benefits.

19-346.

(a) (4) "Facility" means: