

CHAPTER 569

(Senate Bill 951)

AN ACT concerning

Intermediate Care Facilities - Mental Retardation

FOR the purpose of limiting transfers and discharges of residents of intermediate care facilities - mental retardation.

BY adding to

Article - Health - General
 Section 7-709
 Annotated Code of Maryland
 (As enacted by Chapter _____ (H.B. 200) of the
 Acts of the General Assembly of 1982)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B. 200) of the Acts of the General Assembly of 1982) read(s) as follows:

Article - Health - General

7-709.

(A) IN THIS SECTION, THE TERM "FACILITY" MEANS AN INTERMEDIATE CARE FACILITY - MENTAL RETARDATION.

(B) 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----; OR
- (5) THE PLANNED CLOSING OF THE FACILITY.

(C) (1) UNLESS AN EMERGENCY EXISTS, AT LEAST 30 DAYS BEFORE A FACILITY TRANSFERS OR DISCHARGES A RESIDENT