

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.

(D) (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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

Approved June 1, 1982.

CHAPTER 570

(Senate Bill 953)

AN ACT concerning

Abuse

FOR the purpose of limiting the physical injuries that constitute abuse under the Mental Retardation Law; and clarifying that provisions of the Mental Retardation Law, the Mental Hygiene Law, and the laws for related institutions that grant immunity for reporters of abuse and participants in the resultant investigations and judicial proceedings do not apply to the abuser.

BY repealing and reenacting, with amendments,