

reference that limited reports to alleged violations of former Article 43, § 565C(a)(1) through (17) is deleted as unnecessary in light of the reference in this revision to a "violation of this section", which does not include former Article 43, § 565C(a)(18) because that provision now appears in § 19-345 of this subtitle.

In subsection (o)(2) of this section, the defined term "Department" is substituted for the reference to the nonstatutory Departmental unit -- the Division of Licensing and Certification.

In subsection (o)(3) of this section, the references in former Article 43, § 565C(h)(1) to the independent investigation by the Director on Aging and to the duties of that office "as set forth in Article 70B under the subheading Nursing Homes", are deleted as duplicative. Similarly, the second sentence of former Article 43, § 565C(h)(2), which required investigation, is deleted as duplicative.

Former Article 43, § 565C(g), which required the joint issuance of regulations "within 60 days after January 1, 1976", is deleted as obsolete.

Defined terms: "Department" § 1-101
 "Facility" § 19-343 "Physician" § 1-101
 "Includes"/"including" § 1-101
 "Person" §§ 1-101 & 19-301

19-345. TRANSFER OR DISCHARGE OF RESIDENT.

(A) TRANSFER OR DISCHARGE RESTRICTED.

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) NOTICE; HEARING.

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