

(IV) IF A REQUEST FOR A DETERMINATION IS MADE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE MEDICAL ASSISTANCE PROGRAM SHALL MAKE THE DETERMINATION.

(V) IF A RESIDENT OR AGENT OF A RESIDENT WHO HAS NOT PAID A CURRENT OBLIGATION FOR THE RESIDENT'S CARE FAILS TO REQUEST A DETERMINATION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE FACILITY MAY, WITHOUT REQUESTING THE APPOINTMENT OF A GUARDIAN, PETITION THE APPROPRIATE CIRCUIT COURT FOR AN ORDER DIRECTING THE RESIDENT OR AGENT OF THE RESIDENT TO REQUEST THE DETERMINATION WITH DUE DILIGENCE.

(VI) IF A RESIDENT OR AGENT OF THE RESIDENT FAILS TO PAY FOR THE COST OF THE RESIDENT'S CARE FROM FUNDS THAT THE MEDICAL ASSISTANCE PROGRAM HAS DETERMINED TO BE AVAILABLE TO PAY FOR THAT CARE, THE FACILITY MAY, WITHOUT REQUESTING THE APPOINTMENT OF A GUARDIAN, PETITION THE APPROPRIATE CIRCUIT COURT FOR AN ORDER DIRECTING THE RESIDENT OR AGENT OF THE RESIDENT TO PAY THE FACILITY FROM THE FUNDS DETERMINED BY THE MEDICAL ASSISTANCE PROGRAM TO BE AVAILABLE.

(5) (i) [The] AN APPLICANT, A RESIDENT, OR THE agent of an applicant OR RESIDENT shall seek, on behalf of the applicant OR RESIDENT, all assistance from the medical assistance program which may be available to the applicant OR RESIDENT.

(ii) The facility shall cooperate with and assist the agent in seeking assistance from the medical assistance program on behalf of the applicant OR RESIDENT.

(III) IF A RESIDENT OR THE AGENT OF A RESIDENT FAILS TO SEEK ASSISTANCE FROM THE MEDICAL ASSISTANCE PROGRAM OR TO COOPERATE FULLY IN THE ELIGIBILITY DETERMINATION PROCESS, A FACILITY PROVIDING CARE TO THE RESIDENT MAY, WITHOUT REQUESTING THE APPOINTMENT OF A GUARDIAN, PETITION THE APPROPRIATE CIRCUIT COURT FOR AN ORDER REQUIRING THE RESIDENT OR AGENT OF THE RESIDENT TO SEEK ASSISTANCE FROM THE MEDICAL ASSISTANCE PROGRAM OR TO COOPERATE IN THE ELIGIBILITY DETERMINATION PROCESS WITH DUE DILIGENCE.

(6) (I) Any agent who willfully OR WITH GROSS NEGLIGENCE violates the requirements of paragraph (4) of this subsection regarding the distribution of the applicant's OR RESIDENT'S funds is subject to a civil penalty [not exceeding \$2,500] NOT LESS THAN THE AMOUNT OF FUNDS SUBJECT TO THE VIOLATION.

(II) ANY AGENT WHO WILLFULLY OR WITH GROSS NEGLIGENCE VIOLATES THE REQUIREMENTS OF PARAGRAPH (5) OF THIS SUBSECTION REGARDING AN APPLICATION FOR MEDICAL ASSISTANCE BY OR ON BEHALF OF AN APPLICANT OR RESIDENT IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$10,000.

(III) THE ATTORNEY GENERAL IS RESPONSIBLE FOR THE ENFORCEMENT AND PROSECUTION OF VIOLATIONS OF THE PROVISIONS OF PARAGRAPHS (4) AND (5) OF THIS SUBSECTION.