

(2) [A] (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 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.

(II) A MEDICAID CERTIFIED FACILITY IS NOT PRESUMED TO BE TRANSFERRING OR DISCHARGING A RESIDENT IN VIOLATION OF THIS SUBSECTION FOR TRANSFERRING OR DISCHARGING A RESIDENT FOR NONPAYMENT FOR SERVICES WHILE THE RESIDENT WAS INELIGIBLE FOR ASSISTANCE UNDER THE MEDICAL ASSISTANCE PROGRAM.

19-345.1.

(A) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A FACILITY SHALL PROVIDE THE RESIDENT WITH WRITTEN NOTICE OF:

(1) ANY PROPOSED DISCHARGE OR TRANSFER; AND

(2) THE OPPORTUNITY FOR A HEARING IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION BEFORE THE DISCHARGE OR TRANSFER.

(B) THE DEPARTMENT SHALL PREPARE AND PROVIDE EACH FACILITY WITH A STANDARDIZED FORM THAT PROVIDES, IN CLEAR AND SIMPLE LANGUAGE, AT LEAST THE FOLLOWING INFORMATION:

(1) NOTICE OF THE INTENDED DISCHARGE OR TRANSFER OF THE RESIDENT;

(2) EACH REASON FOR THE DISCHARGE OR TRANSFER;

(3) THE RIGHT OF THE RESIDENT TO REQUEST A HEARING;

(4) THE RIGHT OF THE RESIDENT TO CONSULT WITH ANY LAWYER THE RESIDENT CHOOSES;

(5) THE AVAILABILITY OF THE SERVICES OF THE LEGAL AID BUREAU, THE OLDER AMERICAN ACT SENIOR LEGAL ASSISTANCE PROGRAMS, AND OTHER AGENCIES THAT MAY PROVIDE ASSISTANCE TO INDIVIDUALS WHO NEED LEGAL COUNSEL;

(6) THE AVAILABILITY OF THE STATE OFFICE ON AGING AND LOCAL OFFICE ON AGING LONG-TERM CARE OMBUDSMAN TO ASSIST THE RESIDENT; AND

(7) THE PROVISIONS OF THIS SECTION.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AT LEAST 30 DAYS BEFORE THE FACILITY INVOLUNTARILY TRANSFERS OR DISCHARGES A RESIDENT THE FACILITY SHALL:

(1) PROVIDE TO THE RESIDENT THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) PROVIDE THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO: