

(I) THE NEXT OF KIN, GUARDIAN, OR ANY OTHER INDIVIDUAL KNOWN TO HAVE ACTED AS THE INDIVIDUAL'S REPRESENTATIVE, IF ANY;

(II) THE LONG-TERM CARE OMBUDSMAN; AND

(III) THE DEPARTMENT.

(D) (1) (I) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY, THE FACILITY SHALL PROVIDE THE RESIDENT WITH AN OPPORTUNITY FOR A HEARING ON THE PROPOSED TRANSFER OR DISCHARGE.

(II) THE REGULATIONS ADOPTED BY THE SECRETARY MAY PROVIDE FOR THE ESTABLISHMENT OF AN ESCROW ACCOUNT WHEN:

1. THE BASIS FOR THE DISCHARGE IS NONPAYMENT; AND

2. THE RESIDENT CONTINUES TO RESIDE IN THE FACILITY WHILE THE APPEAL IS PENDING.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, HEARINGS ON PROPOSED TRANSFERS OR DISCHARGES SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE AND THE MEDICAID FAIR HEARING PROCEDURES.

(3) ANY HEARING ON A PROPOSED DISCHARGE OR TRANSFER OF A RESIDENT:

(I) IS NOT A CONTESTED CASE AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE; AND

(II) MAY NOT INCLUDE THE SECRETARY AS A PARTY.

(4) A DECISION BY AN ADMINISTRATIVE LAW JUDGE ON A PROPOSED DISCHARGE OR TRANSFER OF A RESIDENT:

(I) IS NOT A DECISION OF THE SECRETARY;

(II) UNLESS APPEALED, IS FINAL AND BINDING ON THE PARTIES;

(III) IS NOT REVIEWABLE BY THE BOARD OF REVIEW OF THE DEPARTMENT; AND

(IV) MAY BE APPEALED IN ACCORDANCE WITH § 10-222 OF THE STATE GOVERNMENT ARTICLE AS IF IT WERE A CONTESTED CASE BUT THE APPEAL DOES NOT AUTOMATICALLY STAY THE DECISION OF THE ADMINISTRATIVE LAW JUDGE.

(E) (1) THE PROVISIONS OF THIS SECTION REQUIRING 30 DAYS' NOTICE AND AN OPPORTUNITY FOR A HEARING BEFORE DISCHARGE OR TRANSFER OF A RESIDENT DO NOT APPLY IF: