

(I) AN EMERGENCY EXISTS AND HEALTH OR SAFETY OF THE RESIDENT OR OTHER RESIDENTS WOULD BE PLACED IN IMMINENT AND SERIOUS JEOPARDY IF THE RESIDENT WERE NOT TRANSFERRED OR DISCHARGED FROM THE FACILITY AS SOON AS POSSIBLE; OR

(II) THE RESIDENT HAS NOT RESIDED IN THE FACILITY FOR 30 DAYS.

(2) IF A FACILITY DISCHARGES OR TRANSFERS A RESIDENT UNDER THE PROVISIONS OF THIS SUBSECTION THE FACILITY SHALL PROVIDE REASONABLE NOTICE OF THE PROPOSED DISCHARGE OR TRANSFER.

19-345.2.

(A) IN ADDITION TO THE PROVISIONS OF §§ 19-345 AND 19-345.1 OF THIS SUBTITLE, A FACILITY MAY NOT INVOLUNTARILY DISCHARGE OR TRANSFER A RESIDENT UNLESS, WITHIN 48 HOURS BEFORE THE DISCHARGE OR TRANSFER, THE FACILITY HAS:

(1) PROVIDED OR OBTAINED:

(1) (I) A COMPREHENSIVE MEDICAL ASSESSMENT AND EVALUATION OF THE RESIDENT, INCLUDING A PHYSICAL EXAMINATION, THAT IS DOCUMENTED IN THE RESIDENT'S MEDICAL RECORD;

(2) (II) A POST DISCHARGE PLAN OF CARE FOR THE RESIDENT THAT IS DEVELOPED, IF POSSIBLE, WITH THE PARTICIPATION OF THE RESIDENT'S NEXT OF KIN, GUARDIAN, OR LEGAL REPRESENTATIVE; AND

(3) (III) WRITTEN DOCUMENTATION FROM THE RESIDENT'S ATTENDING PHYSICIAN INDICATING THAT THE TRANSFER OR DISCHARGE IS IN ACCORDANCE WITH THE POST DISCHARGE PLAN OF CARE AND IS NOT CONTRAINDICATED BY THE RESIDENT'S MEDICAL CONDITION; AND

(2) PROVIDED INFORMATION TO THE RESIDENT CONCERNING THE RESIDENT'S RIGHTS TO MAKE DECISIONS CONCERNING HEALTH CARE, INCLUDING:

(I) THE RIGHT TO ACCEPT OR REFUSE MEDICAL TREATMENT;

(II) THE RIGHT TO MAKE AN ADVANCE DIRECTIVE, INCLUDING THE RIGHT TO MAKE A LIVING WILL AND THE RIGHT TO APPOINT AN AGENT TO MAKE HEALTH CARE DECISIONS; AND

(III) THE RIGHT TO REVOKE AN ADVANCE DIRECTIVE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C)(3) OF THIS SECTION, AT THE TIME OF TRANSFER OR DISCHARGE, THE FACILITY SHALL PROVIDE THE RESIDENT OR THE RESIDENT'S NEXT OF KIN, GUARDIAN, OR LEGAL REPRESENTATIVE WITH:

(1) A WRITTEN STATEMENT OF THE MEDICAL ASSESSMENT AND EVALUATION AND POST DISCHARGE PLAN OF CARE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION;