

(D) IF THE REQUIREMENTS OF §§ 19-345 AND 19-345.1 OF THIS SUBTITLE AND SUBSECTIONS (A) AND (B) OF THIS SECTION HAVE BEEN MET, THE RESIDENT'S NEXT OF KIN OR LEGAL REPRESENTATIVE SHALL COOPERATE AND ASSIST IN THE DISCHARGE PLANNING PROCESS, INCLUDING:

(1) CONTACTING, COOPERATING WITH, AND ASSISTING OTHER FACILITIES CONSIDERING ADMITTING THE RESIDENT; AND

(2) COOPERATING WITH GOVERNMENTAL AGENCIES, INCLUDING APPLYING FOR MEDICAL ASSISTANCE FOR THE RESIDENT.

(E) IF REQUESTED BY ANY PERSON DURING THE PROCESS OF TRANSFERRING OR DISCHARGING A RESIDENT OR ON ITS OWN INITIATIVE, THE OFFICE OF THE ATTORNEY GENERAL MAY INVESTIGATE WHETHER AN ABUSE OF FUNDS UNDER § 19-346 OF THIS SUBTITLE CONTRIBUTED TO THE DECISION TO TRANSFER OR DISCHARGE THE RESIDENT AND MAY MAKE APPROPRIATE REFERRALS OF THE MATTER TO OTHER GOVERNMENT AGENCIES.

19-345.3.

(A) THE SECRETARY MAY IMPOSE A CIVIL MONEY PENALTY NOT TO EXCEED \$10,000 FOR:

(1) EACH VIOLATION BY A FACILITY OF § 19-345, § 19-345.1, OR § 19-345.2 OF THIS SUBTITLE; OR

(2) EACH WILLFUL OR GROSSLY NEGLIGENT VIOLATION BY A RESIDENT'S AGENT OR LEGAL REPRESENTATIVE OF § 19-345, § 19-345.1, OR § 19-345.2 OF THIS SUBTITLE.

(B) IF A CIVIL MONEY PENALTY IS IMPOSED UNDER THIS SECTION, THE FACILITY OR AGENT OR LEGAL REPRESENTATIVE OF THE RESIDENT SHALL HAVE THE RIGHT TO APPEAL FROM AN ORDER IMPOSING THE CIVIL MONEY PENALTY IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) A RESIDENT, RESIDENT'S AGENT, OR RESIDENT'S ATTORNEY, OR THE ATTORNEY GENERAL ON BEHALF OF THE RESIDENT, WHO BELIEVES THAT AN INVOLUNTARY DISCHARGE OR TRANSFER THAT VIOLATES THE REQUIREMENTS OF § 19-345, § 19-345.1, OR § 19-345.2 OF THIS SUBTITLE IS IMMINENT OR HAS TAKEN PLACE MAY REQUEST INJUNCTIVE RELIEF FROM CIRCUIT COURT.

19-346.

(a) (2) "Abuse of funds" means [spending money] USING THE ASSETS OR INCOME of a resident:

(i) Against the express wish of the resident, if the expenditure was not necessary for the direct and immediate benefit and welfare of the resident; or

(ii) For the use or benefit of a person other than the resident if the expenditure is not also for the direct and immediate benefit of the resident or consistent with an express wish and past behavior of the resident.