

(2) Except as provided by the Department, a facility may not charge an applicant OR RESIDENT who is a medical assistance beneficiary, or the applicant's OR RESIDENT'S agent, any amount in addition to the amounts determined by the medical assistance program for services that are covered by medical assistance.

(3) Unless otherwise agreed, the financial obligation of the applicant's OR RESIDENT'S agent is limited to the amount of the applicant's OR RESIDENT'S funds that are considered available to the agent by the medical assistance program.

(4) (I) A facility may require AN APPLICANT, A RESIDENT, OR the agent of an applicant OR RESIDENT to agree to distribute any funds, INCLUDING INCOME OR ASSETS of the applicant OR RESIDENT, WHICH THE MEDICAL ASSISTANCE PROGRAM HAS DETERMINED TO BE AVAILABLE TO PAY FOR THE COST OF THE APPLICANT'S OR RESIDENT'S CARE, to the facility, promptly when due, for the cost of the applicant's OR RESIDENT'S care [:

(i) That is not covered by the medical assistance program; and

(ii) That the applicant or the applicant's agent has agreed to pay].

(II) FOR THE PURPOSE OF THIS SECTION, FUNDS OF THE APPLICANT OR RESIDENT INCLUDE FUNDS OF THE APPLICANT OR RESIDENT THAT ARE UNDER THE USE, OWNERSHIP, MANAGEMENT, OR CONTROL OF THE AGENT.

(III) A RESIDENT OR AGENT OF THE RESIDENT WHO HAS NOT PAID A CURRENT OBLIGATION FOR THE RESIDENT'S CARE MAY APPLY TO THE MEDICAL ASSISTANCE PROGRAM FOR A DETERMINATION OF THE FUNDS AVAILABLE TO PAY FOR THE COST OF THE RESIDENT'S CARE.

(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.