

(5) (i) [The] AN APPLICANT, A RESIDENT, OR THE agent of an applicant OR RESIDENT shall seek, on behalf of the applicant OR RESIDENT, all assistance from the medical assistance program which may be available to the applicant OR RESIDENT.

(ii) The facility shall cooperate with and assist the agent in seeking assistance from the medical assistance program on behalf of the applicant OR RESIDENT.

(III) IF A RESIDENT OR THE AGENT OF A RESIDENT FAILS TO SEEK ASSISTANCE FROM THE MEDICAL ASSISTANCE PROGRAM OR TO COOPERATE FULLY IN THE ELIGIBILITY DETERMINATION PROCESS, A FACILITY PROVIDING CARE TO THE RESIDENT MAY, WITHOUT REQUESTING THE APPOINTMENT OF A GUARDIAN, PETITION THE APPROPRIATE CIRCUIT COURT FOR AN ORDER REQUIRING THE RESIDENT OR AGENT OF THE RESIDENT TO SEEK ASSISTANCE FROM THE MEDICAL ASSISTANCE PROGRAM OR TO COOPERATE IN THE ELIGIBILITY DETERMINATION PROCESS WITH DUE DILIGENCE.

(6) (I) Any agent who wilfully OR WITH GROSS NEGLIGENCE violates the requirements of paragraph (4) of this subsection regarding the distribution of the applicant's OR RESIDENT'S funds is subject to a civil penalty [not exceeding \$2,500] NOT LESS THAN THE AMOUNT OF FUNDS SUBJECT TO THE VIOLATION.

(II) ANY AGENT WHO WILLFULLY OR WITH GROSS NEGLIGENCE VIOLATES THE REQUIREMENTS OF PARAGRAPH (5) OF THIS SUBSECTION REGARDING AN APPLICATION FOR MEDICAL ASSISTANCE BY OR ON BEHALF OF AN APPLICANT OR RESIDENT IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$10,000.

(III) THE ATTORNEY GENERAL IS RESPONSIBLE FOR THE ENFORCEMENT AND PROSECUTION OF VIOLATIONS OF THE PROVISIONS OF PARAGRAPHS (4) AND (5) OF THIS SUBSECTION.

(7) Nothing in this subsection may be construed to prohibit any person from knowingly and voluntarily agreeing to guarantee payment for the cost of an applicant's care.

19-345.

(a) A resident of a facility may not be transferred or discharged from the facility involuntarily except for the following reasons:

[(1) A medical reason;

(2) The welfare of the resident or other residents;

(3) Knowingly transferring personal assets in violation of a contract provision and only to become eligible for Medicaid benefits; or

(4) A nonpayment for a stay.]

(1) THE TRANSFER OR DISCHARGE IS NECESSARY FOR THE RESIDENT'S WELFARE AND THE RESIDENT'S NEEDS CANNOT BE MET IN THE FACILITY;