

(2) THE TRANSFER OR DISCHARGE IS APPROPRIATE BECAUSE THE RESIDENT'S HEALTH HAS IMPROVED SUFFICIENTLY SO THAT THE RESIDENT NO LONGER NEEDS THE SERVICES PROVIDED BY THE FACILITY;

(3) THE HEALTH OR SAFETY OF AN INDIVIDUAL IN A FACILITY IS ENDANGERED;

(4) THE RESIDENT HAS FAILED, AFTER REASONABLE AND APPROPRIATE NOTICE TO PAY FOR, OR UNDER MEDICARE OR MEDICAID OR OTHERWISE TO HAVE PAID FOR, A STAY AT THE FACILITY; OR

(5) THE FACILITY CEASES TO OPERATE.

[(b) (1) Unless an emergency exists, at least 30 days before a facility transfers or discharges a resident involuntarily, the facility shall give written notice to the resident and the next of kin or guardian of the person of the resident.

(2) The notice shall state each reason for the transfer or discharge.

(3) The facility shall give the resident an opportunity for a hearing on the proposed transfer or discharge.]

[(c)](B) (1) A Medicaid certified facility may not:

(i) Include in the admission contract of a resident any requirement that, to stay at the facility, the resident [continue] WILL BE REQUIRED TO PAY FOR ANY PERIOD OF TIME OR AMOUNT OF MONEY as a private pay resident [for more than 1 year, if] FOR ANY PERIOD WHEN the resident [becomes] IS eligible for Medicaid benefits; or

(ii) Transfer or discharge a resident involuntarily because the resident is a Medicaid benefits recipient.

(2) [A] (1) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A Medicaid certified facility is presumed to be transferring or discharging a resident in violation of this subsection, if the resident is or becomes eligible for Medicaid benefits.

(II) A MEDICAID CERTIFIED FACILITY IS NOT PRESUMED TO BE TRANSFERRING OR DISCHARGING A RESIDENT IN VIOLATION OF THIS SUBSECTION FOR TRANSFERRING OR DISCHARGING A RESIDENT FOR NONPAYMENT FOR SERVICES WHILE THE RESIDENT WAS INELIGIBLE FOR ASSISTANCE UNDER THE MEDICAL ASSISTANCE PROGRAM.

19-345.1.

(A) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A FACILITY SHALL PROVIDE THE RESIDENT WITH WRITTEN NOTICE OF:

(1) ANY PROPOSED DISCHARGE OR TRANSFER; AND

(2) THE OPPORTUNITY FOR A HEARING IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION BEFORE THE DISCHARGE OR TRANSFER.