

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, HEARINGS ON PROPOSED TRANSFERS OR DISCHARGES SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE AND THE MEDICAID FAIR HEARING PROCEDURES.

(3) ANY HEARING ON A PROPOSED DISCHARGE OR TRANSFER OF A RESIDENT:

(I) IS NOT A CONTESTED CASE AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE; AND

(II) MAY NOT INCLUDE THE SECRETARY AS A PARTY.

(4) A DECISION BY AN ADMINISTRATIVE LAW JUDGE ON A PROPOSED DISCHARGE OR TRANSFER OF A RESIDENT:

(I) IS NOT A DECISION OF THE SECRETARY;

(II) UNLESS APPEALED, IS FINAL AND BINDING ON THE PARTIES;

(III) IS NOT REVIEWABLE BY THE BOARD OF REVIEW OF THE DEPARTMENT; AND

(IV) MAY BE APPEALED IN ACCORDANCE WITH § 10-222 OF THE STATE GOVERNMENT ARTICLE AS IF IT WERE A CONTESTED CASE BUT THE APPEAL DOES NOT AUTOMATICALLY STAY THE DECISION OF THE ADMINISTRATIVE LAW JUDGE.

(E) (1) THE PROVISIONS OF THIS SECTION REQUIRING 30 DAYS' NOTICE AND AN OPPORTUNITY FOR A HEARING BEFORE DISCHARGE OR TRANSFER OF A RESIDENT DO NOT APPLY IF:

(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: