

(2) A FACILITY MAY DISCHARGE OR TRANSFER A RESIDENT WITHOUT OBTAINING THE WRITTEN CONSENT OF THE RESIDENT IF THE DISCHARGE OR TRANSFER:

(I) IS IN ACCORDANCE WITH A POST DISCHARGE PLAN OF CARE DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) IS TO A SAFE AND SECURE ENVIRONMENT WHERE THE RESIDENT WILL BE UNDER THE CARE OF:

1. ANOTHER LICENSED, CERTIFIED, OR REGISTERED CARE PROVIDER; OR

2. ANOTHER PERSON WHO HAS AGREED IN WRITING TO PROVIDE A SAFE AND SECURE ENVIRONMENT.

(3) A FACILITY THAT IS CERTIFIED AS A CONTINUING CARE PROVIDER UNDER ARTICLE 70B OF THE CODE IS NOT SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION IF:

(I) THE FACILITY TRANSFERS A RESIDENT TO A LESSER LEVEL OF CARE WITHIN THE SAME FACILITY IN ACCORDANCE WITH A CONTRACTUAL AGREEMENT BETWEEN THE FACILITY AND THE RESIDENT; AND

(II) THE TRANSFER IS APPROVED BY THE ATTENDING PHYSICIAN.

(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