

(c) *In addition to the penalties hereinabove specified, any person admitted or detained against his will by any facility while its license is suspended or revoked, or if it is not licensed, may recover civil damages for such admission or detention from the facility and any person who knowingly participates in such admission or detention.*

37. *Open.*

38. *Open.*

*Subtitle: Financing of Mental Health Services.*

39. *General Policy of Financing.*

*It is the intent of this subtitle to require all patients financially able to do so to pay for mental health services received by them. Such obligations extend to not only the patients, but also to those legally responsible for them. Where such patients or their responsible relatives are unable to pay for their care, it is the intent of this subtitle that the cost of mental health services be financed in the manner provided by the Legislature.*

40. *Determination of Cost of Care.*

(a) *The Department shall fix a rate to be charged to all patients admitted to public facilities, not to exceed the actual cost of care, per capita, of such persons. The cost per capita shall be determined annually prior to the beginning of the fiscal year, by the Commissioner of Mental Hygiene, The State Comptroller, and the Director of the State Department of Budget and Procurement.*

(b) *In the case of patients who have been continuously hospitalized as inpatients in any one or more public facilities for a period in excess of 30 months, the rate to be charged to the responsible relatives of the patient, where payment has been made for the first 30 months' hospitalization, shall thereafter not exceed 25% of the per capita cost. Continuous hospitalization shall mean and include all hospitalization where successive periods of inpatient care are not separated by absences in excess of sixty days.*

41. *Time and Amount of Payments.*

(a) *Payments shall be made by the patient or his responsible relative as that term is defined in this Article. Liability for such payment shall be joint and several.*

(b) *The Department shall specify the time and amount of payments. It may, from time to time, modify its orders as to payments, as circumstances may warrant. In setting the amounts of payments, the Department shall consider the financial means or abilities of the patient and responsible relatives, and may agree to accept less than the per capita cost of care.*

(c) *The Department may, when appropriate, set the rate of payments retroactively, for a period of not more than six months. The retroactivity may be set for a greater period if the patient, his responsible relatives, personal representative or other person having financial information relative to the patient has failed or refused to disclose such information to the Department.*