

*ing financial information relative to the mentally retarded person has failed or refused to disclose such information to the Department.*

*27. Investigation of Mentally Retarded Person and Others.*

*(a) The Department shall investigate the financial condition of all mentally retarded persons, their responsible relatives, and other persons legally chargeable for any obligation of the mentally retarded person in order to determine the ability of such person or his responsible relatives to pay for the cost of care of such person.*

*(b) In making such investigation, the Department may require reports to be made to it by the mentally retarded person or other persons likely to have knowledge of the financial condition of the persons listed in subsection (a) above, whether or not related to the mentally retarded person, upon such forms as may be prepared by the Department.*

*(c) Upon the refusal or failure of any person to file the required report, the Department may apply to the circuit court of the county in which the person is a resident, or doing business, for an order to compel the filing of the report. Failure to obey the order shall be punishable as contempt of court.*

*28. Substitution of Federal Requirements.*

*Nothing contained in this subtitle shall be construed to prevent the Department from accepting, in lieu of the requirements of this subtitle, the requirements regarding the investigation of financial conditions, standards of eligibility, and legal responsibility of mentally retarded persons, their responsible relatives, their estates, or their legal representatives, as provided in the Maryland Medical Assistance Plan, the applicable federal laws and regulations under Title XIX of the Social Security Amendment of 1965, or other amendments thereto, as may be enacted from time to time.*

*29. Enforcement of Payment.*

*(a) All payments made under the provisions of this subtitle shall be made to and collected by the Department and shall be accounted for and paid into the general funds of the State Treasury by the Department according to the procedure in effect for such accounting.*

*(b) The Department is authorized to institute whatever proceedings it finds necessary to require payment of the charges established and uncollected.*

*(c) Upon the death of any mentally retarded person, the Department may make claim against the estate of the mentally retarded person for any unpaid charges theretofore incurred by that person. No claim under this section shall be made for cost of care of a mentally retarded person incurred prior to three years before the death of that person. However, if any relative, or legal representative liable for the mentally retarded person's cost of care, has misrepresented assets or submitted fraudulent information, there shall be no limitation on the period of time in which the claim can be brought against the estate. The claim shall constitute a preferred claim against the estate of any such person. The claim may be waived by the Department if, in its judgment, enforcement of such claims will result in substantial hardship to beneficiaries of those estates against which such claims exist.*