

SEC. 34. *And be it further enacted*, That all laws or parts of laws, public general or public local, inconsistent with the provisions of this Act are repealed to the extent of the inconsistency.

SEC. 45. *And be it further enacted*, That if any provision of this Act or the application thereof to any person or circumstances is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this Act which can be given effect without the invalid provisions or application, and to this end all the provisions of this Act are declared to be severable.

SEC. 56. *And be it further enacted*, That this Act shall take effect July 1, 1972.

Approved May 26, 1972.

CHAPTER 346
(Senate Bill 291)

AN ACT to repeal and re-enact, with amendments, Section 40 (b) of Article 59 of the Annotated Code of Maryland (~~1971 Supplement~~), (1972 REPLACEMENT VOLUME), title "Mental Hygiene," subtitle "Financing of Mental Health Services," to change the rate of payment by responsible relatives for the care of patients in mental facilities, hospitalized in mental facilities for a period in excess of 30 months within a five year period, and clarifying the language therein. METHOD OF DETERMINING THE AMOUNT OF MONTHLY PAYMENTS FOR THE COST OF CARE OF PERSONS HOSPITALIZED IN STATE MENTAL HEALTH FACILITIES OR IN STATE PURCHASED CARE FACILITIES, AND TO CHANGE THE RATE OF PAYMENT FOR LONG TERM CARE AND THE PERIODS OF HOSPITALIZATION TO WHICH THE LONG TERM RATE IS APPLICABLE.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 40 (b) of Article 59 of the Annotated Code of Maryland (~~1971 Supplement~~), (1972 REPLACEMENT VOLUME), title "Mental Hygiene," subtitle "Financing of Mental Health Services," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

40.

(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 AVERAGE COST OF MAINTAINING A PATIENT IN THE PUBLIC FACILITIES UNDER THE GENERAL JURISDICTION OF THE COMMISSIONER. THE [COST PER CAPITA] AVERAGE COST OF MAINTAINING A PATIENT SHALL BE DETERMINED ANNUALLY PRIOR TO THE BEGINNING OF THE FISCAL YEAR,