

this section relating to maintenance obligations.]] and to repeal Section 42A of said Article and subtitle of the Code (1972 Supplement); and to repeal Section 25 of Article 59A of the said Code (1972 Supplement), title "Mental Retardation," subtitle "Financing of Services for the Mentally Retarded," and to enact new Section 25 in lieu thereof, to stand in the place of the section so repealed, to clarify the laws relating to payments made by persons responsible for the cost of care of mentally ill and mentally retarded persons in public facilities, and to make the schedule of payments for mentally retarded persons applicable both to care in State facilities and to purchased care in private or other facilities.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section [[42A(a)] 40 Article 59 of the Annotated Code of Maryland (1972 Supplement), title "Mental Hygiene," subtitle "Financing of Mental Health Services," be and it is hereby repealed and re-enacted, with amendments, and that Section 42A of said Article and subtitle of the Code (1972 Supplement) be and it is hereby repealed, all to read as follows:

40.

(a). The Department shall fix a rate to be charged to all patients admitted to public facilities, UNDER THE PROVISIONS OF THIS ARTICLE, not to exceed the average cost of maintaining a patient in the public facilities under the general jurisdiction of the Commissioner. The average cost of maintaining a patient shall be determined annually prior to the beginning of the fiscal year, by the Commissioner of Mental Hygiene, the State Comptroller, and the Secretary of the State Department of Budget and Fiscal Planning.

(b) In the case of patients continuously hospitalized as inpatients in any one or more public facilities UNDER THE PROVISIONS OF THIS ARTICLE for a period in excess of 30 months, the rate charged responsible relatives of the patient, if payment has been made for the first 30 months' hospitalization, shall thereafter not exceed the greater of:

(1) The sum of any proceeds of applicable insurance, group health plan, or prepaid medical care paid by the insurer or plan by reason of liability for the payment of or repayment for the cost of medical treatment rendered the patient, or

(2) 15% of the rate established in accordance with the provisions of this section. Continuous hospitalization shall mean and include all hospitalization where successive periods of inpatient care are not separated by absences in excess of one year.

[[42A.

(a) Notwithstanding any other provision of law, any person who is financially responsible for the maintenance of a mentally retarded [patient] patient [[PERSON]] in a State institution [[OR OTHER FACILITY FROM WHICH THE STATE PROCURES RESIDENTIAL CARE]] shall be charged in accordance with either of the following schedules, at the option of the legally liable person.