

maintenance and support, and whenever deemed necessary, may agree to accept a periodic sum for the patient's maintenance less than the [per capita cost] CHARGE ESTABLISHED FOR THE CARE OF THE PATIENT. Upon failure of a patient or other legally responsible person to make payment or enter into an agreement to make payment, the investigation unit shall refer the case to the central collection unit created within the Department of Budget and Fiscal Planning.

SECTION 2. AND BE IT FURTHER ENACTED, That Sections 40(a) and 41(c) of Article 59 - Mental Hygiene, of the Annotated Code of Maryland (1972 Replacement Volume and 1974 Supplement) be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Article 59 - Mental Hygiene

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.]

THE DEPARTMENT SHALL, FROM A SCHEDULE OF CHARGES ADOPTED AT LEAST ANNUALLY BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE, THE STATE COMPTROLLER AND THE SECRETARY OF THE STATE DEPARTMENT OF BUDGET AND FISCAL PLANNING, DETERMINE AN AMOUNT TO BE CHARGED ALL PATIENTS ADMITTED TO EACH PUBLIC FACILITY UNDER THE GENERAL JURISDICTION OF THE COMMISSIONER, FOR SERVICES RENDERED TO THE PATIENT.

41.

(c) The Department may, when appropriate, set the rate of payments retroactively, for a period of not more than [six] 12 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.

SECTION 3. AND BE IT FURTHER ENACTED, That Sections 26(b) and (c) of Article 59A - Mental Retardation, of the