

THOSE REQUIREMENTS REGARDING THE INVESTIGATION OF FINANCIAL CONDITION, STANDARDS OF ELIGIBILITY AND LEGAL RESPONSIBILITY OF PATIENTS, THEIR RESPONSIBLE RELATIVES, LEGAL REPRESENTATIVES, AND THE ESTATES OF PATIENTS OR LEGALLY RESPONSIBLE RELATIVES, AS SET OUT IN THE MARYLAND MEDICAL ASSISTANCE PLAN OR THE 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.

SECTION 8. AND BE IT FURTHER ENACTED, That new Section 25A be and it is hereby added to Article 59A - Mental Retardation, of the Annotated Code of Maryland (1972 Replacement Volume and 1974 Supplement) to read as follows:

Article 59A - Mental Retardation

25A.

(A) IF THERE IS ANY INSURANCE, GROUP HEALTH PLAN, OR PREPAID MEDICAL CARE COVERAGE FOR PART OR ALL OF THE COST OF THE CARE AND SERVICES RENDERED, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, NOTWITHSTANDING THE PROVISIONS OF SECTION 25 OF THIS ARTICLE, SHALL SEEK TO COLLECT THE PROCEEDS THEREOF TO THE EXTENT REQUIRED TO PAY THE AMOUNTS ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 601 OF ARTICLE 43.

(B) THE LIABILITY OF ANY PERSON WHO IS FINANCIALLY RESPONSIBLE FOR THE MAINTENANCE OF A MENTALLY RETARDED PERSON SHALL BE 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 FOR THE COST OF CARE RENDERED THE PATIENT; OR

(2) THE LESSER OF (I) THE AMOUNT CHARGED IN ACCORDANCE WITH §25(A) OF THIS ARTICLE; OR (II) SUCH AMOUNT AS THE DEPARTMENT MAY SET, CONSIDERING THE FINANCIAL MEANS OR ABILITIES OF THE LEGALLY LIABLE PERSON.

SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 1976.

Approved April 22, 1975.