

FOR the purpose of specifying that the spouse of a medical assistance recipient is responsible for repayment of the medical assistance program expenditures to a certain extent; requiring the Secretary of Health and Mental Hygiene to set criteria for repayment based on ability to pay; and providing for collection of the payments.

BY adding to

Article 43 - Health  
Section 42J  
Annotated Code of Maryland  
(1971 Replacement Volume and 1977 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 43 - Health

42J.

(A) THE SPOUSE OF A MEDICAL ASSISTANCE RECIPIENT IS RESPONSIBLE FOR PAYMENTS FOR THE HEALTH CARE NEEDS OF THE RECIPIENT TO THE EXTENT THAT THE SPOUSE IS ABLE TO PAY ANY OF THE COST OF CARE. THE TOTAL LIABILITY SHALL BE LIMITED TO THE AMOUNT THAT THE MEDICAL ASSISTANCE PROGRAM EXPENDS FOR THE CARE.

(B) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL DETERMINE, BY REGULATION, CRITERIA FOR PAYMENT BY THE SPOUSE BASED ON THE ABILITY OF THE SPOUSE TO PAY ALL OR PART OF THE CARE. IN DETERMINING ABILITY TO PAY, THE SECRETARY SHALL REASONABLY EVALUATE AVAILABLE INCOME, ORDINARY LIVING EXPENSES, SPECIAL EXPENSES, AND ASSETS, OTHER THAN THE HOMESTEAD OF THE SPOUSE, AND ITS APPURTENANCES.

(C) (1) THE SECRETARY MAY COLLECT THE SUPPORT MONEY OWNED OWED.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE CENTRAL COLLECTION UNIT WITHIN THE DEPARTMENT OF BUDGET AND FISCAL PLANNING SHALL HANDLE COLLECTION OF DELINQUENT ACCOUNTS AND DEBTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1978.

Approved May 2, 1978.