

Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 200) of the
Acts of the General Assembly of 1982)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B. 200) of the Acts of the General Assembly of 1982) read(s) as follows:

Article - Health - General

15-120.

(b) (1) Any program recipient or attorney, guardian, or personal representative of a program recipient who receives money in settlement of or under a judgment or award in a cause of action in which the Department has a subrogation claim shall hold that money, for the benefit of the Department, to the extent required for the subrogation claim, after deducting applicable attorney fees and litigation costs.

(2) A person who, after written notice of a subrogation claim and possible liability under this paragraph, disposes of the money, without the written approval of the Department, is liable to the Department for any amount that, because of the disposition, is not recoverable by the Department.

(3) The Department may compromise or settle and release its subrogation claim if, in its judgment, collection of the claim will cause substantial hardship:

(i) To the program recipient; or

(ii) In a wrongful death action, to the surviving dependents of a deceased program recipient.

(4) (I) THE DEPARTMENT IS NOT LIABLE FOR PAYMENT OF OR CONTRIBUTION TO ANY ATTORNEY FEES OR LITIGATION COSTS OF ANY PROGRAM RECIPIENT OR ATTORNEY, GUARDIAN, OR PERSONAL REPRESENTATIVE OF ANY PROGRAM RECIPIENT.

(II) THE DEDUCTION OF APPLICABLE ATTORNEY FEES AND LITIGATION COSTS UNDER SUBSECTION (B)(1) OF THIS SECTION MAY NOT BE CONSIDERED AS PAYMENT FOR OR CONTRIBUTION TO THOSE FEES OR COSTS BY THE DEPARTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

Approved May 20, 1982.
