

The only changes are in style.

15-120. SUBROGATION CLAIMS.

(A) IN GENERAL.

IF A PROGRAM RECIPIENT HAS A CAUSE OF ACTION AGAINST A PERSON, THE DEPARTMENT SHALL BE SUBROGATED TO THAT CAUSE OF ACTION TO THE EXTENT OF ANY PAYMENTS MADE BY THE DEPARTMENT ON BEHALF OF THE PROGRAM RECIPIENT THAT RESULT FROM THE OCCURRENCE THAT GAVE RISE TO THE CAUSE OF ACTION.

(B) HOLDING MONEY FOR DEPARTMENT.

(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.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 42C.

The only changes are in style.

Defined terms: "Department" § 1-101  
"Person" § 1-101 "Program recipient" § 15-101

15-121. CLAIMS AGAINST ESTATES.

(A) IN GENERAL.

IN ACCORDANCE WITH APPLICABLE FEDERAL LAW AND RULES AND REGULATIONS, INCLUDING THOSE UNDER TITLE XIX OF THE SOCIAL SECURITY ACT, THE DEPARTMENT MAY MAKE CLAIM AGAINST THE ESTATE OF A DECEASED PROGRAM RECIPIENT FOR THE AMOUNT OF ANY