

(D) RETROACTIVE SETTING OF PAYMENTS.

THE DEPARTMENT MAY SET THE AMOUNT OF PAYMENTS RETROACTIVELY:

(1) FOR A PERIOD OF NOT MORE THAN 6 MONTHS FROM THE DATE WHEN THE DEPARTMENT SETS THE AMOUNT OF PAYMENTS; AND

(2) AFTER INQUIRY BY THE DEPARTMENT, FOR A GREATER PERIOD, IF:

(I) THE RECIPIENT OF SERVICES, THE RESPONSIBLE RELATIVES OF THE RECIPIENT, OR ANY OTHER PERSON WHO HAS FINANCIAL INFORMATION ABOUT THE RECIPIENT OF SERVICES HAS FAILED OR REFUSED TO GIVE THAT INFORMATION TO THE DEPARTMENT; OR

(II) ANY CHARGES ASSESSED THIRD PARTY INSURERS HAVE BEEN DENIED WHOLLY OR PARTLY.

REVISOR'S NOTE: Subsection (a)(1) of this section is new language added for clarity. This addition is based on subsection (b)(2) of this section, which enables the Department to accept less than the set charges.

Subsections (a)(2), (b), (c), and (d) of this section are new language derived without substantive change from former Article 43, § 601(c) and -- through incorporation by reference -- former Article 59, § 39(b) and former Article 59A, § 24(b).

Subsection (a)(3) of this section is new language that combines, without substantive change, the like provisions as to abandonment in the third and fourth sentences of former Article 43, § 601(b)(1), the second and third sentences of former Article 59, § 3(k), and the second and third sentences of former Article 59A, § 3(t).

In subsection (a)(3) of this section, the former references to adoption of the rules and regulations in accordance with the "Administrative Procedure Act" are deleted as unnecessary.

In subsection (c)(2) of this section, the word "continuous" is added to modify "hospitalization" to give effect to the definition in subsection (c)(1) of this section. Without this addition, the definition could be meaningless. The Department advises that this correction conforms