

DELINQUENT ACCOUNTS AND DEBTS THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE REFERS UNDER ARTICLE 41, § 71 OF THE CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 601(b)(5) and (d) and -- through incorporation by reference -- former Article 59, § 39(b) and former Article 59A, § 24(b).

In subsection (b)(2) of this section, the introductory phrase "{s} subject only to the limitations provided in" is substituted for "{n}otwithstanding any other provisions of law except ...", for clarity.

In subsection (c)(3) of this section, the phrase "substantial hardship to dependents of the deceased" is substituted for the reference to "substantial hardship to dependents of those against whom the claim exists", since a claim under this section is against an estate. Therefore, the claim "exists" against the estate, and the reference does not make any literal sense. This revision adopts the interpretation that the Commission to Revise the Annotated Code and the Department believe to be closest to the intent of the General Assembly.

In subsection (d)(2) of this section, the introductory phrase of former Article 43, § 601(b)(5) -- "{n}otwithstanding any other provision of this section" -- is deleted as unnecessary in light of the revision of former Article 43, § 601(d)(2) in subsection (d)(1) of this section, since the word "delinquent" distinguishes the collection functions.

Defined terms: "Department" § 1-101
 "Chargeable person" § 16-101 "Secretary" § 1-101
 "Cost of care" § 16-101
 "Recipient of services" § 16-101
 "Responsible relative" § 16-101

16-205. ALTERNATIVE REQUIREMENTS.

INSTEAD OF THE REQUIREMENTS OF THIS SUBTITLE, THE DEPARTMENT MAY ACCEPT THOSE REQUIREMENTS THAT ARE SET OUT IN THE MARYLAND MEDICAL ASSISTANCE PLAN OR THE FEDERAL LAWS AND REGULATIONS UNDER TITLE XIX OF THE SOCIAL SECURITY ACT AND THAT GOVERN THE INVESTIGATION OF FINANCIAL CONDITION, STANDARDS OF ELIGIBILITY, AND LEGAL RESPONSIBILITY OF RECIPIENTS OF SERVICES, THEIR RESPONSIBLE RELATIVES, LEGAL REPRESENTATIVES AND ESTATES, OR OTHER CHARGEABLE PERSONS.