

RECEIVED BY A RECIPIENT OF SERVICES UNDER THE MARYLAND MENTAL RETARDATION LAW SHALL BE AS PROVIDED IN THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Article 59A, § 24(b).

Defined terms: "Chargeable person" § 16-101  
"Recipient of services" § 16-101

16-404. SAME -- GENERAL RULE.

(A) COLLECTION OF INSURANCE PROCEEDS.

IF THERE IS ANY INSURANCE, GROUP HEALTH PLAN, OR PREPAID MEDICAL CARE COVERAGE FOR PART OR ALL OF THE COST OF THE CARE PROVIDED, THE DEPARTMENT SHALL SEEK TO COLLECT THE PROCEEDS OF THE INSURANCE, PLAN, OR COVERAGE TO THE FULL EXTENT REQUIRED TO PAY FOR THE CHARGES FOR SERVICES SET UNDER § 16-201 OF THIS TITLE.

(B) SCOPE OF LIABILITY.

THE LIABILITY OF A CHARGEABLE PERSON FOR SERVICES PROVIDED TO A MENTALLY RETARDED INDIVIDUAL MAY NOT EXCEED THE GREATER OF:

(1) THE SUM OF ANY PROCEEDS OF INSURANCE, GROUP HEALTH PLAN, OR PREPAID MEDICAL CARE THAT THE INSURER OR PLAN PAYS BECAUSE OF LIABILITY FOR THE PAYMENT OF OR REPAYMENT FOR THE COST OF CARE PROVIDED TO THE INDIVIDUAL;  
OR

(2) THE LESSER OF:

(I) THE AMOUNT DETERMINED UNDER § 16-405 OF THIS SUBTITLE; OR

(II) THE AMOUNT SET BY THE DEPARTMENT UNDER § 16-203(B) OF THIS TITLE.

(C) RESPONSIBLE RELATIVES.

THE LIABILITY OF RESPONSIBLE RELATIVES FOR THE COST OF CARE OF A MENTALLY RETARDED INDIVIDUAL IN A RESIDENTIAL, STATE FACILITY CEASES WHEN THE COST OF CARE OF THE MENTALLY RETARDED INDIVIDUAL HAS BEEN CHARGED FOR A PERIOD OR PERIODS THAT TOTAL 16 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 59A, § 25A and the second sentence of § 25(e).

Subsection (b)(2)(ii) of this section is new