

"Responsible relative" § 16-101

16-406. COSTS OF COURT ORDERED EXAMINATIONS.

(A) STATE TO ASSUME COSTS.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IF ANY INDIVIDUAL IS EXAMINED UNDER A COURT ORDER BY A REPRESENTATIVE OF THE MENTAL RETARDATION ADMINISTRATION, THE COST OF THE EXAMINATION SHALL BE ASSUMED BY THIS STATE.

(2) THE ADMINISTRATION IS SUBROGATED TO ANY RIGHT OR RIGHT OF ACTION THAT THE INDIVIDUAL EXAMINED HAS UNDER THE TERMS OF ANY INSURANCE POLICY TO RECOVER THE COSTS OF THIS SERVICE.

(B) EXCEPTION.

IF THE EXAMINATION IS REQUESTED BY THE INDIVIDUAL BEING EXAMINED:

(1) THE INDIVIDUAL IS RESPONSIBLE FOR PAYMENT OF THE APPROPRIATE FEE; AND

(2) THE MENTAL RETARDATION ADMINISTRATION MAY ASK AND THE COURT MAY REQUIRE THE INDIVIDUAL TO POST A BOND FOR PAYMENT OF THAT FEE.

REVISOR'S NOTE: This section formerly appeared as Article 59A, § 31.

As to subsection (a)(2) of this section, the Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that the former law was unclear as to who is entitled to keep the payment recovered under an insurance policy. This section is revised to provide for subrogation, for clarity. See also § 16-302 of this title.

In subsection (b) of this section, the former words "or his representative" are deleted, to conform to § 16-302(b) of this title and to avoid redundancy, since a request by a representative is a request by the individual.

The only other changes are in style.

16-407. DISPOSITION OF PROPERTY ON DEATH OR RELEASE OF MENTALLY RETARDED INDIVIDUAL.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO FUNDS THAT ARE DERIVED