

FROM BENEFITS PAYABLE UNDER LAWS ADMINISTERED BY THE VETERANS' ADMINISTRATION.

(B) ASSETS BECOME PROPERTY OF STATE.

(1) IF ANY PROPERTY OF A MENTALLY RETARDED INDIVIDUAL REMAINS IN THE CUSTODY OF A PUBLIC FACILITY FOR 1 YEAR AFTER THE DEATH OR RELEASE OF THE MENTALLY RETARDED INDIVIDUAL, THE DEPARTMENT SHALL INVESTIGATE TO LOCATE THE INDIVIDUAL OR TO DETERMINE IF ANY OTHER PERSON LEGALLY IS ENTITLED TO THAT PROPERTY.

(2) IF SUCH A PERSON IS NOT FOUND:

(I) AS MUCH AS POSSIBLE OF THE ACCOUNT OF THE MENTALLY RETARDED INDIVIDUAL AT THE FACILITY SHALL BE PAID FROM THE PROPERTY; AND

(II) ANY BALANCE BECOMES THE PROPERTY OF THIS STATE AND SHALL BE PAID INTO THE GENERAL FUND OF THIS STATE.

(C) CLAIM OF OTHERS.

(1) AN ACTION MAY NOT BE BROUGHT MORE THAN 3 YEARS AFTER THE DEATH OR RELEASE OF A MENTALLY RETARDED INDIVIDUAL TO RECOVER ANY OF THIS PROPERTY LEFT AT OR IN THE CUSTODY OF THE FACILITY.

(2) THIS SUBSECTION DOES NOT WAIVE ANY DEFENSE, INCLUDING THE DEFENSE OF GOVERNMENTAL IMMUNITY, AVAILABLE TO ANY FACILITY OR OTHER STATE AGENCY IN AN ACTION BROUGHT AGAINST IT, EVEN IF THE ACTION IS BROUGHT WITHIN 3 YEARS AFTER THE DEATH OR RELEASE OF THE MENTALLY RETARDED INDIVIDUAL.

REVISOR'S NOTE: This section formerly appeared as Article 59A, § 32.

The only changes are in style.

As to abandoned property generally, see the General Revisor's Note to this subtitle.

Defined terms: "Department" § 1-101
 "Includes"/"including" § 1-101 "Person" § 1-101
 "Mentally retarded individual" § 7-101
 "Public facility" § 7-101

GENERAL REVISOR'S NOTE:

The Commission to Revise the Annotated Code combined and revised the various provisions of former Articles 43, 52A, 59, and 59A that related to reimbursements and collections for health care, first, to clarify the general