

(a) To determine the ability to pay for the cost of care of a recipient of services, the Department shall investigate the financial condition of:

(1) The recipient of services; and

(2) Each chargeable person to the extent that the recipient of services is unable to pay this cost of care.

(b) In determining the financial condition of persons under this section, public assistance payments shall be taken into consideration as financial resources.

(c) (1) In its investigations, the Department may require the recipient of services, any chargeable person, and any other person to submit reports to the Department on the forms that the Department provides.

(2) If any person refuses or otherwise fails to file a required report, on petition of the Department, the circuit court for the county where the person resides or does business may compel the filing of the report.

(D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT OR ITS DESIGNATED FINANCIAL AGENT MAY OBTAIN AND USE FINANCIAL INFORMATION AND, IF AND WHEN NECESSARY, A SUMMARY OF MEDICAL AND PSYCHOLOGICAL INFORMATION DIAGNOSES REGARDING A RECIPIENT OF SERVICES IF THE OBTAINING AND USE OF THIS INFORMATION IS CONNECTED TO THE DEPARTMENT'S BILLING AND COLLECTION FUNCTIONS UNDER THIS SUBTITLE. THE DEPARTMENT SHALL OBTAIN A RELEASE FROM THE RECIPIENT OF SERVICES OR A CHARGEABLE PERSON TO SECURE INFORMATION FROM A FINANCIAL INSTITUTION.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, ALL INFORMATION OBTAINED BY THE DEPARTMENT OR ITS DESIGNATED AGENT UNDER SUBSECTION (D) OF THIS SECTION SHALL BE TREATED AS CONFIDENTIAL.

(II) IF THE FINANCIAL INFORMATION IS CONNECTED TO THE TREATMENT OR CARE OF A RECIPIENT OF SERVICES UNDER THIS SUBTITLE, THE DEPARTMENT OR ITS DESIGNATED FINANCIAL AGENT MAY DISCLOSE THE FINANCIAL INFORMATION OBTAINED UNDER SUBSECTION (D) OF THIS SECTION TO A DESIGNATED CLINICAL REPRESENTATIVE OF A FACILITY.

[(d)] (E) As to services that are provided by a political subdivision or grantee, the Department may delegate to the political subdivision or grantee the investigation of financial condition and the determination and collection of the amount payable. However, the political subdivision or grantee shall follow each law and each rule and regulation of the Department that relates to the investigation and determination.