

~~(ii) THE INSURED OR POLICYHOLDER MAY NOT WITHHOLD THE PAYMENT AND SHALL ASSIGN TO THE DEPARTMENT ANY BENEFITS AVAILABLE UNDER THE POLICY FOR SERVICES RENDERED BY THE DEPARTMENT TO ANY INSURED COVERED BY THE POLICY.~~

(c) (1) In this subsection, "[continuous] TOTAL LIFETIME hospitalization" means [all hospitalization where each period of inpatient care begins within 1 year after the last period of inpatient care ended] THE SUM TOTAL OF ALL PERIODS OF INPATIENT HOSPITALIZATION FOR A RECIPIENT OF SERVICES IN ANY STATE HOSPITAL OR FACILITY WHETHER THESE PERIODS ARE INTERMITTENT OR CONTINUOUS.

(2) If [payment has been made] A CHARGEABLE PERSON HAS PAID for the first [30] 24 months of [continuous] TOTAL LIFETIME hospitalization OF A RECIPIENT OF SERVICES, the liability of [a] THAT chargeable person for care of the recipient of services after that period may not exceed [the greater of:

(i) The sum of any proceeds of applicable 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 recipient of services; or

(ii)] 15 percent of the charges for services set under § 16-201 of this subtitle.

(3) THE SUM OF ANY PROCEEDS OF APPLICABLE 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 RECIPIENT OF SERVICES DOES NOT COUNT AS PAYMENTS PAID BY A CHARGEABLE PERSON FOR THE PURPOSE OF DETERMINING A RECIPIENT OF SERVICES TOTAL LIFETIME HOSPITALIZATION.

(d) The Department may set the amount of payments retroactively:

(1) For a period of not more than 6 months from the date when the Department sets the amount of payments; and

(2) After inquiry by the Department, for a greater period, if:

(i) The recipient of services, the responsible relatives of the recipient, or any other person [who], AGENCY, OR ORGANIZATION THAT HAS A SUMMARY OF financial, MEDICAL, OR PSYCHOLOGICAL information DIAGNOSES about the recipient of services has failed or refused to give that information to the Department WHEN THE OBTAINING AND USE OF THIS INFORMATION IS CONNECTED TO THE DEPARTMENT'S BILLING AND COLLECTION FUNCTIONS UNDER THIS SUBTITLE; or