

circumstance; and generally relating to the payment of certain net estate proceeds to the Department for Program administration under certain circumstances.

~~BY adding to~~

~~Article — Health — General~~

~~Section 15-121.2~~

~~Annotated Code of Maryland~~

~~(1990 Replacement Volume and 1992 Supplement)~~

BY repealing and reenacting, with amendments,

Article — Estates and Trusts

Section 3-105

Annotated Code of Maryland

(1991 Replacement Volume and 1992 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

~~Article — Health — General~~

~~15-121.2.~~

~~(A) THE DEPARTMENT SHALL IMPOSE A LIEN ON THE REAL PROPERTY OF AN INDIVIDUAL, BEFORE THE INDIVIDUAL'S DEATH, ON ACCOUNT OF MEDICAL ASSISTANCE CLAIMS PAID OR TO BE PAID ON THE INDIVIDUAL'S BEHALF IF:~~

~~(1) THE INDIVIDUAL:~~

~~(I) OWNS REAL PROPERTY;~~

~~(II) IS AN INPATIENT IN A NURSING FACILITY OR MEDICAL INSTITUTION; AND~~

~~(III) IS REQUIRED AS A CONDITION OF RECEIVING MEDICAL ASSISTANCE SERVICES, TO SPEND FOR COSTS OF MEDICAL CARE ALL BUT A MINIMAL AMOUNT OF THE INDIVIDUAL'S INCOME REQUIRED FOR PERSONAL NEEDS; AND~~

~~(2) THE DEPARTMENT HAS DETERMINED, AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THAT THERE IS NO REASONABLE EXPECTATION THAT THE INDIVIDUAL CAN BE DISCHARGED FROM THE NURSING FACILITY OR MEDICAL INSTITUTION AND RETURN HOME FOR PERMANENT RESIDENCE.~~

~~(B) THE DEPARTMENT SHALL IMPOSE A LIEN ON THE REAL PROPERTY OF AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION REGARDLESS OF WHETHER ANY OF THE FOLLOWING INDIVIDUALS LAWFULLY RESIDE IN THE INDIVIDUAL'S HOME:~~

~~(1) THE SPOUSE OF THE INDIVIDUAL;~~