

~~(E) THE DEPARTMENT SHALL USE ANY MONEY COLLECTED AS A RESULT OF THE PROVISIONS OF THIS SECTION TO PROVIDE OR REIMBURSE PROVIDERS FOR THE PROVISION OF PROGRAM SERVICES.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the implementation of the provisions of this Act is subject to the Department of Health and Mental Hygiene applying for and receiving a waiver from the Department of Health and Human Services that would allow the Department of Health and Mental Hygiene to impose a lien on the home of an individual under the circumstances described in 42 U.S.C. § 1396p(a)(2).~~

Article - Estates and Trusts

3-105.

(a) (1) [If] THE PROVISIONS OF THIS SUBSECTION ARE APPLICABLE IF there is no person entitled to take under §§ 3-102 through 3-104 OF THIS SUBTITLE [, the net estate shall be converted to cash and paid to the board of education in the county in which the letters were granted, and shall be applied for the use of the public schools in the county].

(2) (1) IF AN INDIVIDUAL WAS A RECIPIENT OF LONG-TERM CARE BENEFITS UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM AT THE TIME OF THE INDIVIDUAL'S DEATH, THE NET ESTATE SHALL BE CONVERTED TO CASH AND PAID TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND SHALL BE APPLIED FOR THE ADMINISTRATION OF THE PROGRAM.

(II) IF THE PROVISIONS OF SUBPARAGRAPH (1) OF THIS PARAGRAPH ARE NOT APPLICABLE, THE NET ESTATE SHALL BE CONVERTED TO CASH AND PAID TO THE BOARD OF EDUCATION IN THE COUNTY IN WHICH THE LETTERS WERE GRANTED, AND SHALL BE APPLIED FOR THE USE OF THE PUBLIC SCHOOLS IN THE COUNTY.

(b) After payment has been made to THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR TO the board of education, if a claim for refund is filed by a relative within the third degree living at the death of the decedent or by the personal representative of the relative, and the claim is allowed, the claimant shall be entitled to a refund, without interest, of the sum paid.

SECTION 3. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1993.

Approved May 27, 1993.