

(1) 6 MONTHS AFTER THE FIRST APPOINTMENT OF A PERSONAL REPRESENTATIVE; OR

(2) 2 MONTHS AFTER THE PERSONAL REPRESENTATIVE MAILS OR OTHERWISE DELIVERS TO THE DEPARTMENT'S DIVISION OF MEDICAL ASSISTANCE RECOVERIES A COPY OF A NOTICE IN THE FORM REQUIRED UNDER § 7-103 OF THIS ARTICLE OR OTHER WRITTEN NOTICE, NOTIFYING THE DEPARTMENT THAT THE CLAIM SHALL BE BARRED UNLESS THE DEPARTMENT PRESENTS ITS CLAIM WITHIN 2 MONTHS FROM THE RECEIPT OF THE NOTICE.

Article - Health - General

15-120.

(a) If a Program recipient has a cause of action against a person, the Department shall be subrogated to that cause of action to the extent of any payments made by the Department on behalf of the Program recipient that result from the occurrence that gave rise to the cause of action.

(b) (1) AN ATTORNEY REPRESENTING A PROGRAM RECIPIENT IN A CAUSE OF ACTION TO WHICH THE DEPARTMENT HAS A RIGHT OF SUBROGATION SHALL NOTIFY THE DEPARTMENT PRIOR TO FILING A CLAIM, COMMENCING AN ACTION, OR NEGOTIATING A SETTLEMENT.

(2) THE ATTORNEY SHALL NOTIFY THE DEPARTMENT IN ADVANCE OF THE RESOLUTION OF A CAUSE OF ACTION AND SHALL ALLOW ~~REASONABLE TIME FOR THE DEPARTMENT~~ THE DEPARTMENT 3 BUSINESS DAYS FROM THE RECEIPT OF THE NOTICE TO ESTABLISH ITS SUBROGATED INTEREST.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO CREATE A CAUSE OF ACTION FOR NOTIFYING OR FAILING TO NOTIFY THE DEPARTMENT.

(C) (1) Any Program recipient or attorney, guardian, or personal representative of a Program recipient who receives money in settlement of or under a judgment or award in a cause of action in which the Department has a subrogation claim shall, after receiving written notice of the subrogation claim, hold that money, for the benefit of the Department, to the extent required for the subrogation claim, after deducting applicable attorney fees and litigation costs.

(2) A person who, after written notice of a subrogation claim and possible liability under this paragraph, disposes of the money, without the written approval of the Department, is liable to the Department for any amount that, because of the disposition, is not recoverable by the Department.

(3) The Department may compromise or settle and release its subrogation claim if, in its judgment, collection of the claim will cause substantial hardship:

(i) To the Program recipient; or

(ii) In a wrongful death action, to the surviving dependents of a deceased Program recipient.