

PRESCRIPTION DRUGS AND OTHER PHARMACEUTICAL PRODUCTS TO SEEK ALL AVAILABLE THIRD PARTY REIMBURSEMENT PRIOR TO BILLING THE PROGRAM. [collect the charges directly from:

- (i) Any public or private third party payor;
  - (ii) Any chargeable person, except a child of the recipient of services;
- or
- (iii) The assets or income of the recipient of services.]

(c) (1) If a recipient of services dies, the Department may make a claim against the estate of the recipient for any unpaid [charges] FEES established for that recipient.

(2) Except as provided in paragraph (4) of this subsection, a claim under this subsection may not include any [charge] FEE for services provided more than 3 years before the recipient of services died.

(3) A claim made under this subsection is a preferred claim against the estate of a deceased recipient of services. The claim may be waived by the Department if, in its judgment, enforcement of the claim will cause substantial hardship to dependents of the deceased.

(4) If a responsible relative who is liable for the cost of care of the recipient of services has misrepresented assets or submitted fraudulent information and, by doing so, has avoided any part of the claim for the cost of care, there is no limitation on the time in which the claim may be brought against the estate.

(d) (1) The Department may institute any proceedings that the Department considers necessary to require collection of the established but uncollected payments.

(2) The central collection unit in the Department of Budget and Fiscal Planning shall handle those delinquent accounts and debts that the Department of Health and Mental Hygiene refers under § 3-202 of the State Finance and Procurement Article.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Commission on Kidney Disease and the Department responsible for administering the Kidney Disease Program shall, subject to § 2-1312 of the State Government Article, report to the General Assembly by December 1, 1991 and December 1, 1992 on:

1. The effectiveness of the fee system imposed under this Act in offsetting the costs of the Kidney Disease Program;

2. The effects of this Act on a patient access to treatment for kidney disease; and

3. The effects of the changes made by this Act to § 13-315(d) of the Health - General Article on the payment of claims filed by Kidney Disease patients and on the Kidney Disease Program.