

## Article - Health - General

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§16–204.

(a) (1) Except as provided in subsections (b) and (c) of this section, all payments made under this subtitle for services provided through a facility or program of the Department shall be:

(i) Made to and collected by the Department; and

(ii) Accounted for and paid into the General Fund of this State by the Department.

(2) If the Secretary has delegated to a political subdivision or grantee the collection of payments for services, the political subdivision or grantee shall collect and account for these payments in accordance with the rules and regulations of the Department.

(b) (1) The Department may collect fees from persons certified for Kidney Disease Program benefits prior to providing these benefits in accordance with Title 13, Subtitle 3 of this article. Any fee collected by the Department for kidney disease services may be kept by the Department only to maintain and operate the State Kidney Disease Program.

(2) Subject only to the limitations provided in Title 13, Subtitle 3 of this article and in the provisions of the State budget for the State Kidney Disease Program, the Department may require providers of services in State or privately operated kidney disease centers and providers of prescription drugs and other pharmaceutical products to seek all available third party reimbursement prior to billing the program.

(c) The Department may collect fees from a core service agency for the cost of treatment of individuals whom the core service agency authorizes as eligible for admission into a State facility as described in Title 10, Subtitle 4 of this article. Any such fees collected by the Department for the admission and treatment of individuals authorized by the core service agency shall be kept by the Department to be used to maintain and operate the respective State facility.

(d) (1) If a recipient of services dies, the Department may make a claim against the estate of the recipient for any unpaid fees established for that recipient.

(2) Except as provided in paragraph (4) of this subsection, a claim under this subsection may not include any 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.

(e) (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 Management 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.

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