
By: Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)

Introduced and read first time: February 22, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene Facilities**

3 FOR the purpose of authorizing the Department of Health and Mental Hygiene to collect
4 fees paid by core service agencies for the care or treatment of individuals in mental
5 hygiene facilities and to retain fees collected for the purpose of maintaining and
6 operating mental hygiene facilities; and generally relating to the funding and
7 operation of core service agencies and State mental hygiene facilities.

8 BY repealing and reenacting, with amendments,
9 Article - Health - General
10 Section 16-204
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1995 Supplement)

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

15 **Article - Health - General**

16 16-204.

17 (a) (1) Except as provided in subsection (b) AND (C) of this section, all
18 payments made under this subtitle for services provided through a facility or program of
19 the Department shall be:

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

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

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

27 (b) (1) The Department may collect fees from persons certified for Kidney
28 Disease Program benefits prior to providing these benefits in accordance with Title 13,
29 Subtitle 3 of this article. Any fee collected by the Department for Kidney Disease Services

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1 may be kept by the Department only to maintain and operate the State Kidney Disease
2 Program.

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

8 (C) THE DEPARTMENT MAY COLLECT FEES FROM A CORE SERVICE AGENCY
9 FOR THE COST OF TREATMENT OF INDIVIDUALS WHOM THE CORE SERVICE AGENCY
10 AUTHORIZES AS ELIGIBLE FOR ADMISSION INTO A STATE FACILITY AS DESCRIBED
11 IN TITLE 10, SUBTITLE 4 OF THIS ARTICLE. ANY SUCH FEES COLLECTED BY THE
12 DEPARTMENT FOR THE ADMISSION AND TREATMENT OF INDIVIDUALS
13 AUTHORIZED BY THE CORE SERVICE AGENCY SHALL BE KEPT BY THE DEPARTMENT
14 TO BE USED TO MAINTAIN AND OPERATE THE RESPECTIVE STATE FACILITY.

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

17 (2) Except as provided in paragraph (4) of this subsection, a claim under
18 this subsection may not include any fee for services provided more than 3 years before the
19 recipient of services died.

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

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

28 [(d)] (E) (1) The Department may institute any proceedings that the
29 Department considers necessary to require collection of the established but uncollected
30 payments.

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 1996.