

(4) THE DEPARTMENT MAY, WHEN APPROPRIATE, SET THE AMOUNT OF PAYMENTS RETROACTIVELY, FOR A PERIOD OF NOT MORE THAN SIX MONTHS. THE RETROACTIVITY MAY BE SET FOR A GREATER PERIOD IF THE PATIENT, HIS RESPONSIBLE RELATIVES, OR ANY OTHER PERSON HAVING FINANCIAL INFORMATION RELATIVE TO THE PATIENT HAS FAILED OR REFUSED TO DISCLOSE SUCH INFORMATION TO THE DEPARTMENT, OR IF ANY CHARGES ASSESSED THIRD PARTY INSURERS HAVE BEEN DENIED IN WHOLE OR IN PART.

(D) (1) ALL PAYMENTS MADE UNDER THE PROVISIONS OF THIS SUBTITLE FOR SERVICES RENDERED THROUGH FACILITIES AND PROGRAMS OF THE DEPARTMENT, SHALL BE MADE TO AND COLLECTED BY THE DEPARTMENT, AND SHALL BE ACCOUNTED FOR AND DEPOSITED INTO THE GENERAL FUNDS OF THE STATE TREASURY BY THE DEPARTMENT. WHEN THE SECRETARY HAS DELEGATED TO A POLITICAL SUBDIVISION OR GRANTEE THE COLLECTION OF AND ACCOUNTING FOR PAYMENTS FOR SERVICES, THE COLLECTIONS ARE TO BE HANDLED ACCORDING TO RULES AND REGULATIONS ADOPTED BY THE DEPARTMENT.

(2) THE DEPARTMENT MAY INSTITUTE WHATEVER PROCEEDINGS IT FINDS NECESSARY TO REQUIRE COLLECTION OF THE AMOUNT OF PAYMENTS ESTABLISHED AND UNCOLLECTED.

(3) UPON THE DEATH OF ANY PATIENT, THE DEPARTMENT MAY MAKE CLAIM AGAINST THE ESTATE OF THE PATIENT FOR ANY UNPAID CHARGES ESTABLISHED FOR THAT PATIENT. A CLAIM UNDER THIS SECTION MAY NOT INCLUDE ANY CHARGE FOR COST OF CARE OF A PATIENT LONGER THAN THREE YEARS BEFORE THE DEATH OF THE PATIENT. THE CLAIM SHALL CONSTITUTE A PREFERRED CLAIM AGAINST THE ESTATE OF THE PATIENT. THE CLAIM MAY BE WAIVED BY THE DEPARTMENT, IF IN ITS JUDGMENT, ENFORCEMENT OF THE CLAIM WILL RESULT IN SUBSTANTIAL HARDSHIP TO DEPENDENTS OF THOSE AGAINST WHOM THE CLAIM EXISTS. IF ANY RESPONSIBLE RELATIVE, LIABLE FOR THE PATIENTS COST OF CARE, HAS MISREPRESENTED ASSETS OR SUBMITTED FRAUDULENT INFORMATION, AND BY DOING SO HAS AVOIDED THE CLAIM FOR THE PATIENT'S CARE OR PART THEREOF, THERE SHALL BE NO LIMITATION ON THE TIME IN WHICH THE CLAIM CAN BE BROUGHT AGAINST THE ESTATE.

(E) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY ADOPT AND PROMULGATE REASONABLE RULES AND REGULATIONS COVERING THE DETAILS OF ENFORCING THIS SECTION. THESE RULES AND REGULATIONS SHALL BE APPLIED UNIFORMLY TO ALL PERSONS RECEIVING CARE UNDER THE PROGRAMS OPERATED BY THE DEPARTMENT OR SUPPORTED IN WHOLE OR IN PART BY STATE AND FEDERAL FUNDS ADMINISTERED BY THE DEPARTMENT, SO FAR AS IT IS PRACTICAL.

(F) NOTHING CONTAINED HEREIN HOWEVER SHALL PREVENT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FROM ACCEPTING IN LIEU OF THE REQUIREMENTS OF THIS SECTION