

*Subtitle: Organization and Administration of the Department*

4. *Jurisdiction.*

*General jurisdiction with regard to administration and supervision of the care, custody and treatment of the mentally disordered shall be vested in the Department of Mental Hygiene which shall be a part of the Department of Health and Mental Hygiene of the State.*

5. *General Responsibility of the Department.*

*The Department is charged with overall responsibility for the proper administration of all public facilities and shall be the licensing authority of all private facilities.*

6. *Rules and Regulations.*

*The Secretary of Health and Mental Hygiene shall make such rules and regulations for the administration and enforcement of this Act and for the operation and administration of the Department as are needed.*

7. *Commissioner.*

*The Chief Executive Officer of the Department shall be the Commissioner of Mental Hygiene. The Commissioner shall be an experienced psychiatrist, with clinical and administrative experience in Mental Hygiene, who is a diplomate of the American Board of Psychiatry and Neurology. He shall be appointed by the Governor upon the recommendation of the Secretary of Health and Mental Hygiene. He shall receive such salary as may be provided in the budget. He shall serve until removed by the Governor upon the recommendation of the Secretary.*

8. *Powers and Duties of Commissioner.*

*The Commissioner shall have the following powers and duties:*

*(a) He shall organize and administer the Department in such manner as will best enable it to discharge the duties assigned to it by law and the Secretary.*

*(b) He shall make an annual report to the Governor and to the Secretary of the activities of the Department in such form and containing such detail as may be required by the Governor.*

*(c) He shall appoint, subject to the approval of the Secretary, a Deputy Commissioner of Mental Hygiene, such assistant commissioners as may be provided for in the budget, ~~and the superintendents of each public facility within the jurisdiction of the Department.~~ The Deputy Commissioner shall serve at the pleasure of the Secretary. The assistant commissioners and the superintendents shall be subject to removal by the Commissioner for incompetence or misconduct.*

*(d) He shall generally supervise the administration of each public facility within the jurisdiction of the Department and may determine admission criteria to such facilities.*

*(e) He shall divide the State into districts corresponding to the availability of facilities for the purpose of best providing for the needs of the mentally disordered. The limits of such districts may be*