

*affidavit showing improvement of the patient's mental condition subsequent to the trial. No such affidavit shall be valid if executed by a patient of a facility or Veterans' Administration Hospital. When filed, the petition and affidavit shall be reviewed by the court, and if the affidavit shows a ~~substantial~~ AN improvement in the patient's mental condition, the petition shall be heard as provided in this section. If no substantial improvement in such condition is shown, the petition shall be dismissed.*

16. *Transfer of Mentally Disordered Prisoners.*

*Upon the application of any authorized representative of the Department of Correction, and payment of appropriate expenses by the Department, any person confined in a penal institution under the jurisdiction of the Department of Correction may be admitted to a facility in accordance with Section 12. The Commissioner may designate the appropriate facility for such admission. Any release by a facility prior to the expiration of the penal term being served by the patient shall be made to the custody of the Department of Correction. Upon admission to a facility, such patient shall be entitled to all rights and subject to all obligations afforded other involuntarily admitted patients by this subtitle. Periods of confinement in such facilities shall be considered in diminishing total confinement pursuant to Article 27, subtitle: "Department of Correction," subheading: "Prisoners."*

17. *Transfer Generally.*

*(a) If the Commissioner or his authorized representative determines that:*

*(1) any patient can receive better care or treatment; or*

*(2) the safety or welfare of other patients would be better ensured; or*

*(3) the patient would more likely profit from care or treatment at another facility if such patient is transferred to another facility, public or private, such transfer may be made. No such transfer shall be made to a private facility unless such facility agrees.*

*(b) Patients who are residents of other states may be transferred to facilities in the states of their residence by the Commissioner when such transfers are feasible.*

*(c) Any determination made by the Commissioner or his authorized representative pursuant to subsections (a) or (b) shall be reduced to writing and filed with the patient records of the patient involved. Such determination, together with notification of the facility to which the patient is being transferred, shall also be communicated to the patient's next of kin or guardian.*

*(d) Any patient determined to be entitled to hospitalization benefits in Veterans' Administration Hospital in the State may be transferred to such hospital by the Commissioner. If such transfer is effected, the chief officer of such hospital shall be vested with all the powers and rights of the Department with respect to such patient.*

*(e) No female patient may be transported to or from any facility unless she is accompanied by a female authorized by the facility, or unless accompanied by her father, husband, adult brother or adult son.*