

(g) A copy of said order shall be mailed to the head of the facility or hospital where the patient was last confined. The head of the facility or hospital, upon receipt thereof, shall then comply with such order.

(h) In all such proceedings the patient shall be entitled to be represented by counsel, and counsel shall be appointed if, for financial or other reasons, the patient is unable to retain same. Any waiver of counsel must appear to the court to be freely and intelligently made, and must appear in the record of proceedings.

(i) Once a patient has had a determination on the merits of any one petition filed by him pursuant to this section or pursuant to Section 14 of this Article, no subsequent petition prepared by or for him shall be heard by the court of equity within one (1) year of such prior determination, unless, in addition to all other required data, the petition is accompanied by a valid 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 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.

#### 22A.

(a) At any time, any person admitted to any facility or Veterans' Administration hospital, or anyone, on his behalf, may apply to any appropriate court for a writ of habeas corpus. Such proceeding shall be available to determine the cause and the legality of his admission and continued detention.

(b) A writ of habeas corpus may also be applied for in the name of the Department to determine whether any patient has been properly admitted or properly retained by any facility. Such application shall be made by the Commissioner or his authorized representative and shall be filed by the state's attorney of the county in which the facility is located or of which the patient is a resident.

#### 22B.

Appeals may be taken from decisions on petitions as in any other equity cases and may be taken by an interested party.

#### 22C.

(a) Any person who knowingly makes any false application or certificate in connection with the admission or detention of any patient, shall be guilty of a misdemeanor, and upon conviction thereof, may be imprisoned for a period not to exceed two (2) years, or fined an amount not to exceed five thousand dollars (\$5,000), or both.

(b) Any person who fails to comply with the provisions of this subtitle pertaining to patient records in a facility, or who detains a patient in a facility contrary to the provisions of this subtitle, is guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned for a period not to exceed two (2) years, or fined an amount not to exceed five thousand dollars (\$5,000), or both.