

having a legitimate interest in the welfare of a person over the age of 21 years, may apply to any private facility licensed by the Administration for the admission of such person. The individual making the application must, as a prerequisite to the admission, be able to understand the nature of the request. The application to such private facility shall be in writing and in such form as may be required by the Administration.

(b) Upon receipt of the application, the facility shall arrange for a comprehensive evaluation in a designated comprehensive evaluation center. The comprehensive evaluation shall determine:

(1) If the person is mentally retarded; and

(2) If the condition is of such a nature that for the protection or adequate care of himself or others, he is in need of in-residence care or treatment.

(c) If the comprehensive evaluation finds that the answer to either subsection (b)(1), (b)(2) herein, or both is in the negative, the facility shall not approve the application for admission. If the comprehensive evaluation finds that answer to both (b)(1) and (b)(2) is in the affirmative, the facility may admit the mentally retarded person.

(d) Every mentally retarded person admitted to a facility pursuant to this section shall, upon admission, be notified in writing of the date, time and place of a hearing to be held regarding his admission status. The proponent of said admission shall be notified as soon as possible, but no later than within five (5) days, writing of the date, time and place of a hearing to be held regarding the admission status. Such notices shall, in addition to the notification required in Section ~~14~~ 12 of this article, set forth the name or names of the proponent of the person's admission and shall, in addition, notify the person admitted to the right to consult legal counsel, the right to be represented by counsel, and the right to call witnesses and present evidence at the scheduled hearing. The notice shall also advise of the availability of legal services of the Legal Aid Bureau, Lawyer Referral Services, and such other agencies as then may exist for the referral of persons in need of legal counsel.

(e) Every person admitted pursuant to this section shall be afforded a hearing within twenty-one (21) days of his admission to a facility.

(f) The provisions of this section shall apply to every mentally retarded person admitted to a private facility licensed by the Administration, who shall become 21 years of age subsequent to his admission.

(g) The Secretary of Health and Mental Hygiene shall be responsible ~~for~~ promulgating rules and regulations to carry out the provisions of this section.

(h) Nothing in this subtitle shall be deemed to affect the admission of mentally retarded persons under 21 years of age to private facilities under such terms and conditions as may be agreed upon by the facility and the parents or guardian of such person, and subject to such other provisions of law as may be applicable.