

Section 10 and 12(b)  
Annotated Code of Maryland  
(1972 Replacement Volume and 1974 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Sections 10 and 12(b) of Article 59A - Mental Retardation, of the Annotated Code of Maryland (1972 Replacement Volume and 1974 Supplement) be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Article 59A - Mental Retardation

10.

(a) Any person over the age of 21 years, the guardian of any person over the age of 21 years on behalf of such person, or anyone else having a legitimate interest in the welfare of a person over the age of 21 years, may apply to the Administration for admission of that person to the appropriate public facility within the jurisdiction of the Administration. The individual making the application must, as a prerequisite to the admission, be able to understand the nature of the request. The application shall be in writing and shall be in such form as may be required by the Administration.

(b) Upon receipt of the application, the director or his designee shall designate a comprehensive evaluation center for the purpose of a comprehensive evaluation. 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, the person needs in-residence care or treatment.

(c) If the comprehensive evaluation finds that the answer to either subsections (b) (1), (b) (2) herein, or both is in the negative, the director or his designee shall not approve the application for admission. If the comprehensive evaluation finds that the answer to both (b) (1) and (b) (2) is in the affirmative, then the director or his designee shall approve the application for admission to the appropriate facility.

(d) If the comprehensive evaluation finds that the answer to subsection (b) (1) is in the affirmative and the answer to subsection (b) (2) is in the negative, but that the person being evaluated needs care in a program providing less than 24 hour care, the director or his