

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[.], PROVIDED THAT THERE IS NO LESS RESTRICTIVE FORM OF INTERVENTION AVAILABLE WHICH IS CONSISTENT WITH THE PERSON'S WELFARE AND SAFETY.

(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 designee shall recommend an appropriate program.

(e) 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 in writing of the date, time and place of a hearing to be held regarding the admission status. Such notice shall, in addition to the notification required in § 12 of this subtitle, set forth the name or names of the proponent of the person's admission and shall, in addition, notify the person admitted of 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 Bureaus, Lawyer Referral Services, and such other agencies as then