

(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 designee shall recommend an appropriate program.]

#### 10.

[(g) The provisions of this section shall apply to every mentally retarded person admitted to a facility pursuant to § 9 of this article or any other provision of law, who shall become 21 years of age subsequent to his admission.]

#### 11.

[(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.]

[(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.]

SECTION 2. AND BE IT FURTHER ENACTED, That Sections 10(h) and 11(g) of Article 59A - Mental Retardation, of the Annotated Code of Maryland (1972 Replacement Volume and 1976 Supplement) be and they are hereby renumbered to be Sections 10(g) and 11(f).

SECTION 2 3. AND BE IT FURTHER ENACTED, That Sections 10(a) and 11(a) of Article 59A - Mental Retardation, of the Annotated Code of Maryland (1972 Replacement Volume and 1976 Supplement) be and they are hereby repealed and reenacted, with amendments, to read as follows: