

MENTAL DISORDER MAY BE MADE ONLY AFTER THE PERSON HAS BEEN EVALUATED BY A GERIATRIC EVALUATION UNIT.

(II) THE GERIATRIC EVALUATION UNIT SHALL DETERMINE WHETHER A LESS RESTRICTIVE OR MORE APPROPRIATE FORM OF CARE AND TREATMENT, OTHER THAN ADMISSION TO THE VETERANS' ADMINISTRATION HOSPITAL OR THE FACILITY, IS ADEQUATE FOR THE PERSON'S NEEDS. IF THE GERIATRIC EVALUATION UNIT DETERMINES THAT A LESS RESTRICTIVE FORM OF CARE AND TREATMENT IS ADEQUATE AND APPROPRIATE, ~~AND TREATMENT IS ADEQUATE AND APPROPRIATE, AND IF THAT FORM OF CARE AND TREATMENT CAN FEASIBLY BE PROVIDED TO THE PERSON,~~ THE ADMISSION OF THE PERSON SHALL BE DENIED.

(III) IF AN ADMISSION IS DENIED ON THE BASIS OF A GERIATRIC EVALUATION UNIT'S EVALUATION, THE PERSON MAKING APPLICATION FOR THE PERSON'S ADMISSION SHALL BE INFORMED OF THE UNIT'S DECISION AND ADVISED OF AND ASSISTED IN OBTAINING THE LESS RESTRICTIVE FORM OF CARE AND TREATMENT DETERMINED TO BE ADEQUATE AND APPROPRIATE BY THE UNIT.

(IV) PATIENTS TRANSFERRED PURSUANT TO THE INTERSTATE COMPACT ON MENTAL HEALTH INTO A MARYLAND STATE FACILITY FROM AN OUT OF STATE FACILITY, MAINTAINED BY A PARTY STATE OR POLITICAL SUBDIVISION THEREOF, ARE NOT SUBJECT TO REVIEW BY A GERIATRIC EVALUATION UNIT.

(V) THE PROVISIONS OF THIS SUBSECTION ARE ANCILLARY TO ANY OTHER RIGHTS OF A PATIENT AND SHALL NOT BE CONSTRUED TO BE IN DEROGATION DEROGATION OF OTHER RIGHTS GRANTED TO PERSONS UNDER THE PROVISIONS OF THE CODE.

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~~(a) Any patient may, at any time, subject to the limitations specified in this section, file a petition in the equity court of the county in which he resides or resided at the time of his admission, or in which he is confined for the purpose of securing his release. Any person having a legitimate interest in the welfare of the patient may file the petition on his behalf. The Department shall be the respondent in any such case, unless the patient is a patient in a private facility or a Veterans' Administration hospital, in which case the private facility or the Veterans' Administration hospital shall be named as the respondent.~~

~~(b) The petition shall be in the form and contain data as may be designated by the Maryland Rules.~~

~~(c) The petitioner may request that his petition be heard by a jury, and thereafter, such trial shall proceed as in a civil action at law.~~

~~(d) [The issues to be determined are] (1) A DETERMINATION OF WHETHER THE PATIENT SHALL BE RELEASED SHALL BE MADE ON THE BASIS OF THE FOLLOWING ISSUES:~~