

Article 59 - Mental Hygiene

17A.

IN THE EVENT THE MENTAL HYGIENE ADMINISTRATION DETERMINES THAT ANY PERSON WHO HAS BEEN ADMITTED OR WHO IS ELIGIBLE FOR ADMISSION TO A RESIDENTIAL FACILITY FOR PERSONS HAVING ANY MENTAL DISORDER MAY BE MORE APPROPRIATELY SERVED IN A RESIDENTIAL FACILITY FOR MENTALLY RETARDED PERSONS, THE MENTAL HYGIENE ADMINISTRATION MAY REQUEST THE MENTAL RETARDATION ADMINISTRATION TO ACCEPT A TRANSFER OF THE PERSON TO AN APPROPRIATE FACILITY FOR MENTALLY RETARDED PERSONS. THE MENTAL RETARDATION ADMINISTRATION SHALL THEREUPON MAKE ITS OWN DETERMINATION AS TO THE APPROPRIATENESS OF PLACEMENT IN A RESIDENTIAL FACILITY FOR MENTALLY RETARDED PERSONS. IN THE EVENT OF ANY DISPUTE BETWEEN THE MENTAL HYGIENE ADMINISTRATION AND THE MENTAL RETARDATION ADMINISTRATION AS TO A PROPOSED TRANSFER, OR AS TO THE PROPER PLACEMENT, OF ANY PERSON WHO HAS BEEN ADMITTED OR IS ELIGIBLE FOR ADMISSION TO A FACILITY FOR PERSONS HAVING ANY MENTAL DISORDER, THE MATTER MAY BE REFERRED TO THE SECRETARY FOR DETERMINATION PURSUANT TO PROCEDURES PRESCRIBED BY THE SECRETARY. A REQUEST FOR SUCH A DETERMINATION MAY BE MADE EITHER BY THE MENTAL HYGIENE ADMINISTRATION, THE MENTAL RETARDATION ADMINISTRATION, THE GUARDIAN OF ANY PERSON ON BEHALF OF THAT PERSON, OR ANY PERSON HAVING A LEGITIMATE INTEREST IN THE WELFARE OF THE PERSON INVOLVED.

Article 59A - Mental Retardation

15A.

IN THE EVENT THE MENTAL RETARDATION ADMINISTRATION DETERMINES THAT ANY PERSON WHO HAS BEEN ADMITTED OR WHO IS ELIGIBLE FOR ADMISSION TO A RESIDENTIAL FACILITY FOR MENTALLY RETARDED PERSONS MAY BE MORE APPROPRIATELY SERVED IN A RESIDENTIAL FACILITY FOR PERSONS HAVING MENTAL DISORDERS, THE MENTAL RETARDATION ADMINISTRATION MAY REQUEST THE MENTAL HYGIENE ADMINISTRATION TO ACCEPT A TRANSFER OF THE PERSON TO AN APPROPRIATE FACILITY FOR PERSONS HAVING MENTAL DISORDERS. THE MENTAL HYGIENE ADMINISTRATION SHALL THEREUPON MAKE ITS OWN DETERMINATION AS TO THE APPROPRIATENESS OF PLACEMENT IN A RESIDENTIAL FACILITY FOR PERSONS HAVING MENTAL DISORDERS. THE RESOLUTION OF ANY DISPUTE BETWEEN THE MENTAL RETARDATION ADMINISTRATION AND THE MENTAL HYGIENE ADMINISTRATION AS TO A PROPOSED TRANSFER SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 59, § 17A OF THE CODE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1979.

Passed over the Governor's veto, in the House of Delegates on March 13, 1980, and in the Senate on March 18, 1980.
