

any--private-facility-licensed-by-the-Administration-for-the admission--of--such--person--The--individual--making--the application--must--as--a--prerequisite-to-the-admission--be able--to--understand--the--nature--of--the--request--The application-to-such-private-facility-shall-be-in-writing-and in-such-form-as-may-be-required-by-the-Administration--}

{(b)}--Upon--receipt--of--the--application--the--facility shall--arrange--for--a--comprehensive--evaluation--in--a--designated comprehensive--evaluation--center--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--he is--in--need--of--in--residence--care--or--treatment--}

{(e)} {A} If--the--comprehensive--evaluation--finds--that the--answer--to--either--{subsection--(b)--(1)}--{b)--(2)} § 10(B){1}--OR--§ 10(B){2}--herein--or--both--is--in--the--negative-- the--{facility} DIRECTOR--OR--THE--DIRECTOR'S--DESIGNEE shall--not approve--the--application--for--admission--If--the--comprehensive evaluation--finds--that THE--ANSWERS {answer}--to--both--{(b)--(1)} and--{(b)--(2)} §--10(B){1}--AND--{B}{2} {is} ARE in--the affirmative--the--{facility} may--admit--the--mentally--retarded person--provided--that--there--is--no--less--restrictive--form--of intervention--available--which--is--consistent--with--the--person's welfare--and--safety} DIRECTOR--OR--THE--DIRECTOR'S--DESIGNEE, WITHIN--30--DAYS--SHALL--APPROVE--THE--APPLICATION--FOR--ADMISSION--

{B}--ANY--PERSON--WHOSE--APPLICATION--FOR--ADMISSION--HAS BEEN--APPROVED--PURSUANT--TO--SUBSECTION--(A)--OF--THIS--SECTION--OR WHOSE--INDIVIDUALIZED--PLAN--OF--HABILITATION--REQUIRES--PLACEMENT IN--A--LESS--RESTRICTIVE--SETTING--PURSUANT--TO--§--8A--OF--THIS ARTICLE--OR--WHO--IS--CONSIDERED--BY--THE--DIRECTOR--OR--THE DIRECTOR'S--DESIGNEE--TO--BE--ELIGIBLE--FOR--TRANSFER--PURSUANT--TO §--15--OF--THIS--ARTICLE--SHALL--BE--PLACED--IN--THE--APPROPRIATE--LEAST--RESTRICTIVE--FACILITY--CONSISTENT--WITH--THE--PERSON'S WELFARE--SAFETY--AND--HABILITATION--PLAN--IF--THESE--FACILITIES ARE--NOT--AVAILABLE--THE--DIRECTOR--OR--THE--DIRECTOR'S--DESIGNEE SHALL--CREATE--APPROPRIATE--FACILITIES--WITHIN--120--DAYS--FROM EITHER--THE--APPROVAL--OF--THE--APPLICATION--FOR--ADMISSION--OR--THE PLAN--OF--HABILITATION--OR--LATEST--RE-EVALUATION--THEREOF--OR--IF DETERMINATION--BY--THE--SECRETARY--OR--THE--DIRECTOR--THAT--A TRANSFER--IS--NEEDED--THE--NONAVAILABILITY--OF--FUNDING--MAY--NOT BE--RAISED--AS--A--DEFENSE--IN--ANY--PROCEEDING--UNDER--THIS SUBTITLE--

{(d)} {C} Every--mentally--retarded--person--admitted--to-- TRANSFERRED--TO--OR--OTHERWISE--PLACED--IN--a--facility--pursuant to--this--section--shall--upon--SUCH--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--writing--of--the--date--time--and--place--of--a--hearing--to--be--held--regarding--the--admission