

"Mentally retarded individual" § 7-101

7-308. ADMINISTRATIVE HEADS.

IN ADDITION TO ANY OTHER POWER OR DUTY THAT THE DIRECTOR DELEGATES, THE ADMINISTRATIVE HEAD OF A STATE FACILITY SHALL:

- (1) SUPERVISE GENERALLY THAT STATE FACILITY;
- (2) WITH THE APPROVAL OF THE DIRECTOR AND IN ACCORDANCE WITH THE STATE MERIT SYSTEM LAW, APPOINT A STAFF FOR THAT STATE FACILITY AS NEEDED AND AS PROVIDED IN THE STATE BUDGET; AND
- (3) REPORT TO THE DIRECTOR AS THE DIRECTOR REQUIRES.

REVISOR'S NOTE: This section formerly appeared as Article 59A, § 18(b) through (d).

The new, defined term "State facility" is substituted for the broad term "public facility", which would include a county or municipal facility. This substitution is based on former Article 59A, § 18(a), which stated: "No county or municipal hospital shall for purposes of this article, be considered a public facility." Former Article 59A, § 18, as enacted by Ch. 345, Acts of 1972, substantially followed former Article 59, § 30 -- now § 10-408 of this article. However, the exclusion of county and municipal hospitals appeared as the second sentence of former Article 59, § 30(a) and read "for purposes of this section". The Commission to Revise the Annotated Code believes the use of the word "article" in former Article 59A, § 18(a) was an inadvertent substitution and that former Article 59A, § 18(a) merely was intended to limit the application of the rest of former Article 59A, § 18 to State facilities, since an exclusion that applied throughout the article could have been included in the definition of "public facility" in former Article 59A, § 3(r). In light of the substitution in this section of the narrower defined term "State facility", former Article 59A, § 18(a) is deleted as unnecessary. The Administration has indicated that there are no county or municipal hospitals currently providing or expected to provide services for mentally retarded individuals, so that, in practice, this substitution does not have a substantive effect.

In the introductory clause of this section, the term "administrative head" is substituted for