

7-402. RULES AND REGULATIONS.

(A) IN GENERAL.

THE DIRECTOR SHALL ADOPT RULES AND REGULATIONS FOR ESTABLISHING, LICENSING, AND OPERATING PRIVATE FACILITIES.

(B) CONTENTS.

THE RULES AND REGULATIONS SHALL ENSURE THAT TREATMENT OF MENTALLY RETARDED INDIVIDUALS IS PROVIDED IN ACCORDANCE WITH THE POLICY STATED IN SUBTITLE 1 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second clauses of the first sentence of former Article 59A, § 20(b).

In subsection (a) of this section, the former phrase "with the approval of the Secretary" is deleted as unnecessary in light of §§ 7-203(a) and 2-104 of this article.

Also in subsection (a) of this section, the former reference to "certification" of facilities is deleted since the Administration does not have a certification process other than licensing. This deletion avoids confusion with the certificate of approval for private group homes under § 7-417 of this subtitle and with the requirements for a certificate of need from the State Health Planning and Development Agency.

In subsection (b) of this section, the former reference to ensuring treatment "in accordance with ... § 20A of {former Article 59A}" is deleted as unnecessary in light of § 7-415 of this subtitle.

Also in subsection (b) of this section, the former word "care" is deleted as unnecessary in light of the use of the defined term "treatment".

Defined terms: "Director" § 7-101
"Mentally retarded individual" § 7-101
"Private facility" § 7-101
"Treatment" § 7-101

7-403. LICENSE REQUIRED.

IN ADDITION TO HOLDING ANY OTHER LICENSE REQUIRED BY LAW, A PERSON SHALL BE LICENSED BY THE ADMINISTRATION BEFORE THE PERSON MAY OPERATE A PRIVATE FACILITY.