

to be no intent to cover an involuntary admission under a provision of law other than this subtitle, such as a commitment under Title 12 of this article, which provides for incompetence and insanity determinations based on mental retardation. There also appeared to be no intent to create a distinction between "voluntary" and "involuntary" admissions under this subtitle, since the term "involuntary admission" did not appear in former Article 59A.

Defined terms: "Admission" § 7-101  
"Department" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE:

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that the admission provisions in former Article 59A, §§ 10 and 11 were ambiguous.

Before enactment of Ch. 632, Acts of 1981, former Article 59A, § 10 applied to admissions to a "public facility within the jurisdiction of the Administration" -- i.e., those facilities now covered by the new defined term "State facility". Former Article 59A, § 11 applied to admissions to a "private facility".

As introduced, Ch. 632, Acts of 1981, proposed the consolidation of former Article 59A, §§ 10 and 11 in a new § 10 that would have covered any "facility within the jurisdiction of the Administration." It was clearly the intent of that measure, as introduced, to provide for one admission procedure, by application to the Director, for admission to any facility, whether a State facility or a private facility.

However, the measure was amended to strike all references to Article 59A, § 11 from the title and body of the bill. As a result of these amendments, former Article 59A, §§ 10 and 11 contain 2 admission procedures.

The phrase in former Article 59A, § 10(a), as amended by Ch. 632, Acts of 1981 -- "facility within the jurisdiction of the Administration" -- could be read to encompass every facility over which the Administration exercises control through licensing or to mean only State facilities.

The broad interpretation would result in separate, inconsistent procedures for admission to a private facility -- i.e., an application to the Director for admission under former Article 59A, § 10 and an application directly to the private facility under former Article 59A, § 11.