

For example, former Article 59A, § 10(b) required the Director to provide for a comprehensive evaluation within 60 days of receipt of an application, while former Article 59A, § 11(b) did not have any time constraint for doing the comprehensive evaluation. Former Article 59A, § 11, however, required that the evaluation be done at a designated facility.

Similarly, under former Article 59A, § 10(b), the comprehensive evaluation team considered whether a mentally retarded individual needs habilitation services and, if so, determined the least restrictive environment in which the service can be provided. Under former Article 59A, § 11(b), the comprehensive evaluation team considered only whether in-residence treatment is necessary.

Finally, the standards for admission determinations under former Article 59A, § 10(c) and (d) prohibited admissions of mentally retarded individuals who do not need habilitation services, required admission of individuals for whom a less restrictive form of treatment does not exist, and required recommendations for individuals who need nonresidential care. Former Article 59A, § 11(c) prohibited admissions of mentally retarded individuals who do not need in-residence care and authorized admission for those who do.

In light of these substantive differences between the admission procedures in former Article 59A, §§ 10 and 11, the phrase in former Article 59A, § 10(a), "facility within the jurisdiction of the Administration", is construed narrowly in this subtitle and revised to mean only a State facility.

The Commission also notes that, even before enactment of Ch. 632, Acts of 1981, former Article 59A, §§ 10 and 11 did not account for admissions to public facilities that were not within the jurisdiction of the Administration -- e.g., a county or municipal facility. As revised, this subtitle does not account for those admissions. The General Assembly may wish to adopt a unified procedure for admissions to any facility, whether public or private. If, however, the General Assembly keeps the separate procedures now set forth in this subtitle, the General Assembly may wish to provide procedures for admission to a residential county or municipal facility.

SUBTITLE 6. RIGHTS OF INDIVIDUALS IN FACILITIES.

PART I. FUNDAMENTAL RIGHTS.

7-601. STATEMENT OF RIGHTS.

(A) POLICY.