

the recordkeeping provisions might be limited to residential facilities. This revision is consistent with the definition of "record", in former Article 59A, § 17(a)(4), which referred to a mentally retarded individual "in either a public or private facility". This revision also includes, under these provisions, the records of individuals who are evaluated, but who are not determined to be mentally retarded individuals.

Defined terms: "Administration" § 7-101  
 "Facility" § 7-101 "Private facility" § 7-101  
 "Person" § 1-101 "Public facility" § 7-101

7-611. INFORMATION ABOUT RECORDS.

WITHIN 14 DAYS AFTER A MENTALLY RETARDED INDIVIDUAL ASKS A FACILITY FOR INFORMATION ABOUT ITS RECORDS ON THAT INDIVIDUAL, THE FACILITY SHALL ADVISE THE INDIVIDUAL, IN WRITING, ABOUT THE RECORDS AND THE PROCEDURES FOR THEIR DISCLOSURE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 59A, § 17(c)(1).

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that this section refers to a request of a mentally retarded individual for information about records, but does not contemplate a request from a person acting on behalf of the mentally retarded individual or a request by an individual who was evaluated or treated in a facility although not a mentally retarded individual.

Defined terms: "Facility" § 7-101  
 "Mentally retarded individual" § 7-101

7-612. DISCLOSURE OF RECORDS.

(A) DISCLOSURES RESTRICTED.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS SECTION, A FACILITY MAY NOT DISCLOSE ANY RECORD THAT THE FACILITY KEEPS ON AN INDIVIDUAL WHO HAS BEEN TREATED OR EVALUATED IN THE FACILITY, UNLESS THE INDIVIDUAL GIVES WRITTEN, INFORMED CONSENT TO THE DISCLOSURE.

(B) DISCLOSURE TO INDIVIDUAL.

(1) SUBJECT TO THE LIMITATIONS OF THIS SUBSECTION, A FACILITY SHALL DISCLOSE A RECORD OF A MENTALLY RETARDED INDIVIDUAL TO: