

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 59A, §§ 17(a)(3), (4), and (5), (c)(2) and (3), (d), (e), and (f) and 18(e)(2).

Throughout this section, reference to a "mentally retarded individual" is substituted for the references to "person", which formerly was defined in Article 59A, § 17(a)(3) to mean a mentally retarded individual. This substitution avoids confusion with the broader definition of "person" in § 1-101 of this article and reflects that, in former Article 59A, § 17, the term "person" was not used as defined.

Throughout this section, the terms "disclose" or "disclosure" are substituted for references to "review" and "open for inspection", for consistency.

In subsection (a) of this section, the former references to a "public or private" facility "which is licensed or operated by the Mental Retardation Administration" is deleted as unnecessary in light of the use of the defined term "facility".

As to subsection (a) of this section and the substitution of "individual" for "mentally retarded person", see revisor's note to § 7-610 of this subtitle.

Subsection (b) of this section is revised to reflect the interpretation of the Administration that a mentally retarded individual does not have unlimited access to the record of that individual. Although former Article 59A, § 17(d) stated "these records are not open for inspection to anyone other than the person about whom the record is maintained", other provisions of former Article 59A, § 17 indicated that conditions for access are imposed on the mentally retarded individual.

In subsection (b)(1)(i) of this section, the term "guardian of the person" is substituted for the term "legal guardian", to conform to the terminology of the Estates and Trusts Article.

In subsection (b)(1)(ii) of this section, the term "lawyer" is substituted for "attorney" for clarity. See revisor's note to § 7-506 of this title.