

"Release" § 10-801 "Facility" § 10-101

10-813. SAME -- TO MENTAL RETARDATION ADMINISTRATION.

(A) "MENTAL RETARDATION FACILITY" DEFINED.

IN THIS SECTION, "MENTAL RETARDATION FACILITY" MEANS A RESIDENTIAL PLACE FOR TREATMENT OF MENTALLY RETARDED INDIVIDUALS.

(B) REQUEST FOR TRANSFER.

THE MENTAL HYGIENE ADMINISTRATION MAY ASK THE MENTAL RETARDATION ADMINISTRATION TO ACCEPT AN INDIVIDUAL IN OR ELIGIBLE FOR ADMISSION TO A MENTAL HEALTH RESIDENTIAL FACILITY, IF THE MENTAL HYGIENE ADMINISTRATION FINDS THAT THE INDIVIDUAL WOULD BE PROVIDED FOR MORE APPROPRIATELY IN A MENTAL RETARDATION FACILITY.

(C) DETERMINATION OF MENTAL RETARDATION ADMINISTRATION.

THE MENTAL RETARDATION ADMINISTRATION SHALL DETERMINE WHETHER TRANSFER TO A MENTAL RETARDATION FACILITY IS APPROPRIATE.

(D) RESOLUTION OF CONFLICTS.

A DISPUTE OVER A TRANSFER OF AN INDIVIDUAL FROM THE MENTAL HYGIENE ADMINISTRATION TO THE MENTAL RETARDATION ADMINISTRATION SHALL BE RESOLVED, IN ACCORDANCE WITH PROCEDURES THAT THE SECRETARY SETS, ON REQUEST OF:

- (1) THE MENTAL RETARDATION ADMINISTRATION;
- (2) THE MENTAL HYGIENE ADMINISTRATION; OR
- (3) THE GUARDIAN OR ANY OTHER PERSON WITH A LEGITIMATE INTEREST IN THE INDIVIDUAL.

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid repetition.

Subsections (b), (c), and (d) of this section are new language derived without substantive change from former Article 59, § 17A.

Defined terms: "Facility" § 10-101
"Person" § 1-101 "Secretary" § 1-101

SUBTITLE 9. MISCELLANEOUS PROVISIONS.

PART I. COMMUNITY MENTAL HEALTH SERVICES.

10-901. DUTIES OF THE SECRETARY.