

(I) HAS MENTAL RETARDATION; AND

(II) FOR ADEQUATE HABILITATION, NEEDS RESIDENTIAL SERVICES; AND

(2) THERE IS NO LESS RESTRICTIVE SETTING IN WHICH THE NEEDED SERVICES CAN BE PROVIDED AND THAT IS AVAILABLE TO THE INDIVIDUAL OR WILL BE AVAILABLE TO THE INDIVIDUAL WITHIN A REASONABLE TIME.

(B) THE SECRETARY MAY NOT APPROVE THE ADMISSION OF AN INDIVIDUAL TO A STATE RESIDENTIAL CENTER IF:

(1) THE FINDINGS OF THE EVALUATION ARE THAT THE INDIVIDUAL:

(I) DOES NOT HAVE MENTAL RETARDATION; OR

(II) HAS MENTAL RETARDATION BUT DOES NOT NEED RESIDENTIAL SERVICES FOR ADEQUATE HABILITATION; OR

(2) THERE IS A LESS RESTRICTIVE SETTING IN WHICH THE NEEDED SERVICES CAN BE PROVIDED THAT IS AVAILABLE TO THE INDIVIDUAL OR WILL BE AVAILABLE TO THE INDIVIDUAL WITHIN A REASONABLE TIME.

(C) THE SECRETARY SHALL PROVIDE AN INDIVIDUAL WITH THE APPROPRIATE LEAST RESTRICTIVE SERVICE CONSISTENT WITH THE INDIVIDUAL'S WELFARE, SAFETY, AND PLAN OF HABILITATION, IF THE INDIVIDUAL:

(1) HAS AN APPLICATION FOR SERVICES THAT HAS BEEN APPROVED UNDER § 7-404(C) OF THIS TITLE; OR

(2) IS CONSIDERED ELIGIBLE FOR TRANSFER UNDER SUBTITLE 8 OF THIS TITLE BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

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(A) WITHIN 21 DAYS AFTER THE ADMISSION OF AN INDIVIDUAL TO A STATE RESIDENTIAL CENTER, A HEARING OFFICER OF THE DEPARTMENT SHALL HOLD A HEARING ON THE ADMISSION IN ACCORDANCE WITH THE RULES AND REGULATIONS THAT THE SECRETARY ADOPTS.

(B) WRITTEN NOTICE OF THE ADMISSION OF AN INDIVIDUAL AND OF THE DATE, TIME, AND PLACE OF THE INDIVIDUAL'S HEARING ON ADMISSION SHALL BE GIVEN:

(1) ON ADMISSION, TO THE INDIVIDUAL; AND

(2) AS SOON AS POSSIBLE, BUT NOT LATER THAN 5 DAYS AFTER THE ADMISSION, TO LEGAL COUNSEL FOR THE INDIVIDUAL AND TO THE PROPONENT OF ADMISSION.