

(D) NOTHING IN SUBSECTION (C)(4) OF THIS SECTION SHALL PROHIBIT STAFF FROM USING A TECHNIQUE FOR TRANSITIONING THE INDIVIDUAL TO A RESTRAINT POSITION THAT INVOLVES MOMENTARILY:

(1) PLACING AN INDIVIDUAL FACE DOWN; OR

(2) OBSTRUCTING THE VIEW OF AN INDIVIDUAL'S FACE.

(E) A FACILITY SHALL:

(1) HAVE A WRITTEN POLICY SPECIFYING THE METHOD USED TO ENSURE THAT AN INDIVIDUAL WHOSE PRIMARY LANGUAGE OR METHOD OF COMMUNICATION IS NONVERBAL IS ABLE TO EFFECTIVELY COMMUNICATE DISTRESS DURING A PHYSICAL RESTRAINT OR HOLD; AND

(2) ENSURE THAT ALL STAFF AT THE FACILITY WHO ARE AUTHORIZED TO PARTICIPATE IN A PHYSICAL RESTRAINT OR HOLD OF INDIVIDUALS ARE TRAINED IN THE METHOD SPECIFIED IN THE WRITTEN POLICY REQUIRED UNDER ITEM (1) OF THIS SUBSECTION.

~~(F)~~ (F) Subject to the provisions of §§ 4-301 through 4-309 of this article, the records of each individual in a facility are confidential.

~~(G)~~ (G) (1) Notwithstanding any other provision of law, when the State designated protection and advocacy agency for persons with developmental disabilities has received and documented a request for an investigation of a possible violation of the rights of an individual in a facility that is owned and operated by the Department or under contract to the Department to provide mental health services in the community under this subtitle, the executive director of the protection and advocacy agency or the executive director's designee:

(i) Before pursuing any investigation:

1. Shall interview the individual whose rights have been allegedly violated; and

2. Shall attempt to obtain written consent from the individual; and

(ii) If the individual is unable to give written consent but does not object to the investigation:

1. Shall document this fact; and