

~~(E) FOR THE PURPOSES OF THIS SECTION, THE PARENT OF A MINOR, OR THE LEGAL GUARDIAN OF ANY INDIVIDUAL ADJUDICATED INCOMPETENT, OR AN ATTORNEY AUTHORIZED BY THE PERSON, OR THE MINOR'S PARENTS, OR THE LEGAL GUARDIAN OF THE INCOMPETENT PERSON MAY ACT ON BEHALF OF THE MENTALLY RETARDED PERSON.~~

(E) FOR THE PURPOSES OF THIS SECTION THE FOLLOWING PERSONS MAY ACT ON BEHALF OF AND BE TREATED BY A FACILITY AS THE AUTHORIZED REPRESENTATIVE OF A MENTALLY RETARDED PERSON:

(1) THE PARENT OR LEGAL GUARDIAN OF A PERSON UNDER AGE EIGHTEEN, OR THE PARENT OR LEGAL GUARDIAN OF AN ADULT PERSON RESIDING IN A FACILITY UNLESS THE ADULT PERSON REQUESTS THAT HIS PARENTS OR LEGAL GUARDIAN NOT BE ALLOWED TO ACT ON HIS BEHALF; OR

(2) ANY ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED BY THE PERSON OR BY INDIVIDUALS AUTHORIZED TO ACT ON HIS BEHALF UNDER SUBSECTIONS (E) (1) OR (E) (2).

~~(F) EXCEPT FOR DISCLOSURES MADE UNDER SUBSECTION (G) (D) (3), THE FACILITY SHALL KEEP AN ACCURATE ACCOUNTING OF THE DATE, NATURE, AND PURPOSE OF EACH DISCLOSURE AND THE NAME AND ADDRESS OF THE PERSON, INDIVIDUAL, OR AGENCY TO WHOM THE DISCLOSURE IS MADE.~~

~~(G) (1) THE DIRECTOR SHALL BE ACCOUNTABLE FOR THE PROTECTION OF RECORDS MAINTAINED BY EACH FACILITY.~~

~~(2) (1) THE DIRECTOR SHALL INFORM ALL FACILITIES RESPONSIBLE FOR THE MAINTENANCE OF RECORDS OF THE REQUIREMENTS OF SECTION 17, AND SHALL REQUIRE ALL FACILITIES TO COMPLY WITH SECTION 17.~~

~~(3) (2) THE DIRECTOR SHALL EVALUATE YEARLY EACH FACILITY'S POLICIES AND PROCEDURES WITH REGARD TO THE MAINTENANCE OF RECORDS.~~

(H) IN ADDITION TO ANY DAMAGES WHICH ARE RECOVERABLE IN LAW OR EQUITY, A PERSON WHOSE RECORDS ARE DISCLOSED CONTRARY TO THE PROVISIONS OF THIS SECTION SHALL HAVE A RIGHT AGAINST THE CUSTODIAN OF THE RECORDS TO PUNITIVE DAMAGES IN AN AMOUNT NOT TO EXCEED \$500 PLUS REASONABLE ATTORNEY'S FEES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 1979.

Approved May 29, 1978.