**§ 408. Hospitals; admission of patients; in general.** 1. If in the judgment of the director of a hospital in the department the number of patients of the hospital at any time so far exceeds its proper capacity that suitable care, training or discipline cannot be given to additional patients, or for other reasons the admission of such additional patients is impracticable, the commissioner in his discretion, may suspend the admission of patients to such hospital until such time as they may properly be admitted.

2. The commissioner shall promptly notify courts and other public officers empowered to commit persons to such hospital of any such suspension of admission and of its termination. A person committed to such hospital before the court receives notice of such a suspension may be recommitted to another hospital to which he might have been lawfully committed in the first instance.

3. In the admission of patients to such hospital the several counties and the city of New York shall, so far as practicable, be entitled to have in such hospital, patients in the ratio which their respective populations bear to the population of the state as ascertained by the latest federal census or state enumeration.