



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 802

S.P. 233

In Senate, February 4, 1997

An Act to Clarify Liability Coverage.

Submitted by the Department of Mental Health, Mental Retardation and Substance Abuse Services pursuant to Joint Rule 204.

Reference to the Committee on Health and Human Services suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator ABROMSON of Cumberland. Cosponsored by Representative MAYO of Bath and Senator LONGLEY of Waldo.

	Be it enacted by the People of the State of Maine as follows:
2 4	Sec. 1. 34-B MRSA §3861, sub-§2, as corrected by RR 1993, c. 2, §36, is amended to read:
б	2. State mental health institute. The chief administrative officer of a state mental health institute:
8	officer of a scale mencar medica inscicate.
10	A. May receive for observation, diagnosis, care and treatment in the hospital any person whose admission is applied for under section 3831 or 3863; and
12	B. May receive for observation, diagnosis, care and
14	treatment in the hospital any person whose admission is applied for under section 3864 or is ordered by a court.
16	
18	Any person <u>or business entity</u> contracting with a state mental health institute whenadmitting,treatingordischarginga patient,within-the-stateinstitute,under-the-provisionsof
20	sections-3863and-3864-undera-contract-with-the-department-for purposesofcivilliability-isdeemed-tobeanemployeeofa
22	governmental-entity-under-the-Maine-Tort-Glaims-Act,-Title-14, ehapter-741 or the department to provide services pertaining to
24	the admission, treatment or discharge of patients under sections 3863 and 3864 within a state institute or any person contracting
26	with a business entity to provide those services within a state institute is deemed to be a governmental entity or an employee of
28	a governmental entity for purposes of civil liability under the Maine Tort Claims Act, Title 14, chapter 741, with respect to the
30	admission, treatment or discharge of patients within a state institute under sections 3863 and 3864.
32	
34	SUMMARY
36	This bill provides equivalent protections to contractors who perform services within a state mental health institute relating
38	to the admission, treatment or discharge of patients.