

MAINE STATE LEGISLATURE

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MAJORITY
HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1573, L.D. 2207, Bill, "An Act to Establish the Office of Mental Health and Human Services Ombudsman"

Amend the bill by striking out the title and substituting the following:

'Resolve, Establishing the Task Force to Study the Need for an Ombudsman for the Department of Human Service, the Department of Mental Health, Mental Retardation and Substance Abuse Services'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Task force established. Resolved: That there is established the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services, referred to in this resolve as the "task force"; and be it further

Sec. 2. Membership. Resolved: That the task force consists of 13 members as follows:

1. The Commissioner of Human Services or the commissioner's designee;

2. The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services or the commissioner's designee;

3. The following members appointed by the President of the Senate:

COMMITTEE AMENDMENT

- 2 A. One member of the Joint Standing Committee on Health and
Human Services representing the majority party;
- 4 B. One member of a statewide organization representing
children;
- 6 C. One member of a statewide organization representing
8 low-income families;
- 10 D. One member of a statewide organization representing
persons with developmental disabilities;
- 12 E. One member of a statewide organization representing
14 consumers of substance abuse services; and
- 16 F. One person representing the Medicaid Ombudsman; and

18 4. The following members appointed by the Speaker of the
House of Representatives:

- 20 A. One member of the Joint Standing Committee on Health and
22 Human Services representing the minority party;
- 24 B. One member of a statewide organization representing
women;
- 26 C. One member of a statewide organization representing the
28 elderly;
- 30 D. One member of a statewide organization representing
persons with mental illness; and
- 32 E. One person representing the long-term care ombudsman
34 program; and be it further

36 **Sec. 3. Appointments. Resolved:** That all appointments must be
made no later than 30 days following the effective date of this
38 resolve. The appointing authorities shall notify the Executive
Director of the Legislative Council upon making their
40 appointments. When the appointment of all members is complete,
the Chair of the Legislative Council shall call and convene the
42 first meeting of the task force no later than August 1, 1998.
The task force shall select a chair from among its legislative
44 members; and be it further

46 **Sec. 4. Duties. Resolved:** That the task force shall study the
need for an ombudsman for the Department of Human Services and
48 the Department of Mental Health, Mental Retardation and Substance
Abuse Services. In examining this need, the task force shall
50 examine the operation and effectiveness of current

ombudsman programs, advocacy programs, offices of consumer affairs, appeals procedures and other opportunities for clients of the 2 departments and other members of the public to express their interests to the departments. The task force shall consider models for client representation in use in other states and shall make recommendations for those 2 departments; and be it further

Sec. 5. Staff assistance. Resolved: That the task force shall request staffing and clerical assistance from the Legislative Council; and be it further

Sec. 6. Reimbursement. Resolved: That the task force members who are legislators are entitled to legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at meetings of the task force and to reimbursement for travel and other necessary expenses upon application to the Legislative Council. Members who are not Legislators serve without reimbursement of any type. The Executive Director of the Legislative Council shall administer the task force's budget; and be it further

Sec. 7. Report. Resolved: That the task force shall submit a report with any accompanying legislation to the First Regular Session of the 119th Legislature by December 15, 1998; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1998-99

LEGISLATURE

Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services

| | |
|-------------------|-------|
| Personal Services | \$660 |
| All Other | 1,100 |

Provides funds for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the

Department of Mental Health, Mental
Retardation and Substance Abuse Services.

**LEGISLATURE
TOTAL**

\$1,760'

Further amend the bill by inserting at the end before the
summary the following:

FISCAL NOTE

1998-99

APPROPRIATIONS/ALLOCATIONS

General Fund \$1,760

The Legislature will require a General Fund appropriation of \$1,760 in fiscal year 1998-99 for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The additional costs associated with providing staffing and clerical assistance to the task force can be absorbed by the Legislature utilizing existing budgeted resources.

The additional costs associated with the task force can be absorbed by the Department of Mental Health, Mental Retardation and Substance Abuse Services and by the Department of Human Services utilizing existing budgeted resources.'

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Health and Human Services. It establishes the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It charges the task force with studying other ombudsman programs and options for the departments. It requires a report and legislation by December 15, 1998.

The amendment also adds an appropriation and a fiscal note to the resolve.