

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2207

H.P. 1573

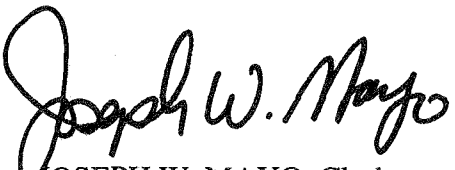
House of Representatives, February 10, 1998

**An Act to Establish the Office of Mental Health and Human Services
Ombudsman.**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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


JOSEPH W. MAYO, Clerk

Presented by Representative DONNELLY of Presque Isle.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 22 MRSA subtitle 7 is enacted to read:

Subtitle 7

MENTAL HEALTH AND HUMAN SERVICES OMBUDSMAN

CHAPTER 1701

MENTAL HEALTH AND HUMAN SERVICES OMBUDSMAN

§9001. Mental Health and Human Services Ombudsman

1. Office established. The Office of Mental Health and Human Services Ombudsman is established within the Executive Department, autonomous from any other state agency, to represent the best interests of individuals involved in the State's mental health and human services systems as a class and to provide independent clinical oversight over cases in the State's mental health and human services systems.

2. Appointment. The Governor shall appoint the mental health and human services ombudsman, subject to review by the joint standing committee of the Legislature having jurisdiction over mental health matters and the joint standing committee of the Legislature having jurisdiction over human resource matters and to confirmation by the Legislature. The mental health and human services ombudsman serves at the pleasure of the Governor. Any vacancy must be filled by similar appointment.

3. Duties. The ombudsman shall:

A. Provide ombudsman services to individual citizens in matters relating to those mental health services and human services provided by and under the jurisdiction of the State;

B. Provide independent clinical oversight over cases in the State's mental health and human services systems; and

C. At the request of a judge, a clinician or a staff member of the Department of Human Services or the Department of Mental Health, Mental Retardation and Substance Abuse Services, review and render an opinion on a case currently being handled within the State's mental health and human services systems.

4. Confidentiality of records. Information or records maintained by the office relating to a complaint or request for independent clinical analysis may not be disclosed unless the

2 ombudsman authorizes the disclosure and the disclosure is
3 otherwise permitted pursuant to law. The ombudsman may not
4 disclose the identity of any requestor or complainant unless:

5 A. The requestor or complainant or a legal representative
6 consents in writing to the disclosure; or

7 B. A court orders the disclosure.

8 A requestor or complainant or a legal representative, in
9 providing the consent, may specify to whom the identity may be
10 disclosed and for what purposes, in which event no other
11 disclosure is authorized.

12 5. Administration. The ombudsman shall:

13 A. Administer, in accordance with current fiscal and
14 accounting rules of the State and in accordance with the
15 philosophy, objectives and authority of this chapter, any
16 funds appropriated for expenditure by the ombudsman or any
17 grants or gifts accepted and received by the ombudsman;

18 B. Make an annual report, which must be submitted directly
19 to the commissioner, the Governor and the joint standing
20 committees of the Legislature having jurisdiction over
21 mental health and human resource matters not later than
22 March 1st of each year, concerning work and interests of the
23 previous fiscal year and future plans and recommendations;
24 and

25 C. Make such interim reports as the ombudsman considers
26 advisable.

27 Copies of these reports must be available to all Legislators and
28 other state agencies upon request.

29 6. Expenses of ombudsman. The ombudsman, within
30 established budgetary limits and as allowed by law, shall
31 authorize and approve travel, subsistence and related necessary
32 expenses of the ombudsman or members of the office incurred while
33 traveling on official business.

34 7. Information from state agencies. State agencies shall
35 provide to the ombudsman copies of all reports and other
36 information required for the fulfillment of this chapter.

37 8. Legal services. The Department of the Attorney General
38 shall provide legal services as necessary to carry out the
39 purposes of this chapter.

2 9. Location. Office space must be made available for the
ombudsman within the Capitol Complex.

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SUMMARY

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8 This bill creates the Office of Mental Health and Human
9 Services Ombudsman, an autonomous agency designed to represent
10 the best interests of individuals involved in the State's mental
11 health and human services systems and to provide independent
12 clinical oversight over cases in the State's mental health and
human services systems.