

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 927

H.P. 646

House of Representatives, February 22, 2005

**An Act To Decrease the Burden on Jails and Improve Treatment for
People Living with Mental Illness by Fostering Jail Diversion**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FAIRCLOTH of Bangor.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 30-A MRSA §1559, sub-§1,** as amended by PL 2001, c.
5 153, §1, is further amended to read:

6 **1. Administration of medication by sheriff or deputy.** The
7 sheriff of any county may administer to any prisoner in custody
8 any oral or topical medication as prescribed by a licensed
9 physician, nurse practitioner, physician assistant or dentist and
10 approved by the facility health care provider or, if requested by
11 a prisoner, any nonprescription medication in accordance with the
12 directions on its container. The sheriff may delegate this
13 authority to administer medication to the jail administrator or
14 the jail administrator's designee or the facility health care
15 provider. A jail may not be required to dispense medications in
16 blister packs. A jail's medication formulary must have the same
17 medications available as in other state institutions. When
18 possible, the Department of Health and Human Services shall
19 assist jails with the purchase of medications through joint
20 purchasing agreements.

22 **Sec. 2. Specialized units; report.** The Department of
23 Corrections, in cooperation with a statewide sheriffs'
24 association and a statewide county commissioners' association,
25 shall assist county jails that are consolidating or building new
26 jails to develop specialized units with the capacity to provide
27 acute psychiatric care, stabilization, assessment and treatment
28 of inmates who have been determined to require immediate
29 hospitalization because those inmates are a danger to themselves
30 or others or are unable to care for themselves but no forensic
31 hospital beds or other appropriate alternatives are immediately
32 available. The Department of Corrections shall report to the
33 Joint Standing Committee on Health and Human Services and the
34 Joint Standing Committee on Criminal Justice and Public Safety no
35 later than March 30, 2006 regarding the need for specialized
36 units and the department's recommendations for developing those
37 units.

38 **Sec. 3. Implementation of Public Law 2001, chapter 659; report.**
39 The Department of Health and Human Services shall report to the
40 Joint Standing Committee on Health and Human Services and the
41 Joint Standing Committee on Criminal Justice and Public Safety no
42 later than March 30, 2006 regarding the status of its
43 implementation of Public Law 2001, chapter 659 including steps
44 taken by the department to enforce Parts B, C and D of that law.

46 **Sec. 4. Community integration services funding; report.** The
47 Department of Health and Human Services shall report to the Joint
48 Standing Committee on Health and Human Services and the Joint
49 Standing Committee on Criminal Justice and Public Safety no later
50 than March 30, 2006 regarding efforts to provide ongoing

2 funding for community integration services for people with mental
3 illness who receive those services and are incarcerated, to
4 prevent interruption of those services.

6 **Sec. 5. Cost comparisons; reports.** The Department of Health and
7 Human Services shall, within existing resources, prepare a report
8 comparing the cost of opening additional forensic beds at Bangor
9 Mental Health Institute with the cost of providing additional
10 community-based resources that would divert people with mental
11 illness from jail and would help prevent inmates with mental
12 illness from returning to jail. The Department of Health and
13 Human Services shall provide the report to the Joint Standing
14 Committee on Health and Human Services and the Joint Standing
15 Committee on Criminal Justice and Public Safety no later than
16 March 30, 2006.

18 **Sec. 6. Crisis stabilization units; report.** The Department of
19 Health and Human Services, in collaboration with a statewide
20 mental health services association, shall report to the Joint
21 Standing Committee on Health and Human Services and the Joint
22 Standing Committee on Criminal Justice and Public Safety no later
23 than March 30, 2006 regarding what enhancements are needed in
24 Maine's crisis stabilization units to accommodate Maine's jail
25 inmates in order to provide them with needed crisis stabilization
26 and to avoid or reduce hospital stays.

28 **Sec. 7. Inmate social security income; report.** The Department of
29 Corrections, in collaboration with a statewide sheriffs'
30 association, shall report to the Joint Standing Committee on
31 Health and Human Services and the Joint Standing Committee on
32 Criminal Justice and Public Safety no later than March 30, 2006
33 regarding the practice of collecting premiums from the United
34 States Social Security Administration for reporting inmates who
35 receive social security income and any resulting loss of
36 disability status for those inmates. The report must document
37 the jails engaged in this process, the income generated, how that
38 income was spent and the impact on inmates and include
39 recommendations regarding the process that do not result in
40 financial harm to jails.

42 SUMMARY

44 This bill provides that a jail may not be required to
45 dispense medications in blister packs and that a jail's
46 medication formulary must have the same medications available as
47 in other state institutions. It also provides that when possible
48 the Department of Health and Human Services must assist jails
49 with the purchase of medications through joint purchasing
50 agreements. The bill requires the Department of Health and Human

2 Services to study and to report back to the Joint Standing
Committee on Health and Human Services and the Joint Standing
4 Committee on Criminal Justice and Public Safety no later than
March 30, 2006, the following:

6 1. The need for specialized units with the capacity to
provide acute psychiatric care, stabilization, assessment and
8 treatment of inmates who have been determined to require
immediate hospitalization because those inmates are a danger to
10 themselves or others or have an inability to care for self but
for whom no forensic hospital beds or other appropriate
12 alternatives are immediately available and the Department of
Health and Human Services' recommendations for developing such
14 units;

16 2. The status of the Department of Health and Human
Services' implementation of Public Law 2001, chapter 659
18 including steps taken by the department to enforce Parts B, C and
D of that law;

20 3. Efforts to provide ongoing funding for community
22 integration services for people with mental illness who receive
those services and are incarcerated to prevent interruption of
24 those services;

26 4. Prepare a report comparing the cost of opening
additional forensic beds at Bangor Mental Health Institute with
28 the cost of providing additional community-based resources that
would divert people with mental illness from jail and would help
30 prevent inmates with mental illness from returning to jail;

32 5. What enhancements are needed in Maine's crisis
stabilization units to accommodate Maine's jail inmates in order
34 to provide them with needed crisis stabilization and to avoid or
reduce hospital stays; and

36 6. The practice of collecting premiums from the United
38 States Social Security Administration for reporting inmates who
receive social security income and any resulting loss of
40 disability status for those inmates.