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Date: 3/3/20

L.D. 232
(Filing No. H-707)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 195, L.D. 232, Bill, "An Act To Change the Process by Which Designated Nonstate Mental Health Institutions Petition the District Court To Admit Certain Patients to a Progressive Treatment Program"

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

'Resolve, Directing the Department of Health and Human Services To Review the Progressive Treatment Program and Processes by Which a Person May Be Involuntarily Admitted to a Psychiatric Hospital or Receive Court-ordered Community Treatment'

Amend the bill by striking out everything after the title and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered treatment in the community are inconsistent; and

Whereas, the inconsistency is preventing access to timely treatment for individuals in crisis, and a more streamlined process could reduce the consequences of delayed treatment or lack of treatment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Department of Health and Human Services to convene stakeholder group to review the progressive treatment program and processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered community treatment. Resolved: That the Commissioner of Health and Human Services shall convene a stakeholder group to accomplish the following:

COMMITTEE AMENDMENT

1 **1. Review of the progressive treatment program.** Review the feasibility of and
 2 barriers to nonstate mental health institutions' participating in a progressive treatment
 3 program under the Maine Revised Statutes, Title 34-B, section 3873-A and develop
 4 recommendations to increase the use of a progressive treatment program by nonstate
 5 mental health institutions; and

6 **2. Review processes for consistency and efficiency.** Review for consistency and
 7 efficiency the processes by which a person may be involuntarily admitted to a psychiatric
 8 hospital or receive court-ordered community treatment pursuant to the Maine Revised
 9 Statutes, Title 34-B, chapter 3, subchapter 4, article 3 and develop recommendations to
 10 make the processes more effective and easier to administer in order to reduce the
 11 consequences of delayed treatment or lack of treatment. The review must include a
 12 review of how the processes are working, the consistency of requirements and
 13 implementation of the processes, who is responsible for initiating the processes and who
 14 is responsible for payment for representation of the psychiatric hospitals in those
 15 processes.

16 **Sec. 2. Membership of the stakeholder group. Resolved:** That the
 17 stakeholder group under section 1 must include at least one representative from each of
 18 the following organizations: the Office of the Attorney General, Riverview Psychiatric
 19 Center, Northern Light Acadia Hospital, Spring Harbor Hospital, the Maine Hospital
 20 Association and Alliance for Addiction and Mental Health Services, Maine. The
 21 stakeholder group must also include at least one person who is or has been a patient under
 22 the Maine Revised Statutes, Title 34-B, chapter 3, subchapter 4, article 3 or a family
 23 member of the person. The Commissioner of Health and Human Services shall invite the
 24 participation of at least one representative of the Judicial Department.

25 **Sec. 3. Report. Resolved:** That the Commissioner of Health and Human
 26 Services shall present the findings and recommendations of the stakeholder group based
 27 on the reviews pursuant to section 1 to the joint standing committee of the Legislature
 28 having jurisdiction over health and human services matters no later than December 1,
 29 2020. The committee may report out legislation to the First Regular Session of the 130th
 30 Legislature related to the recommendations of the report.

31 **Emergency clause.** In view of the emergency cited in the preamble, this
 32 legislation takes effect when approved.'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
 34 section number to read consecutively.

35 **SUMMARY**

36 This amendment, which is the unanimous report of the committee, replaces the bill
 37 with a resolve. It adds an emergency preamble and emergency clause. It directs the
 38 Commissioner of Health and Human Services to convene a stakeholder group of
 39 interested parties to review the progressive treatment program under the Maine Revised
 40 Statutes, Title 34-B, section 3873-A to increase participation of nonstate mental health
 41 institutions in that program and to review for efficiency and effectiveness the processes
 42 by which a person may be involuntarily admitted to a psychiatric hospital or receive
 43 court-ordered community treatment pursuant to Title 34-B, chapter 3, subchapter 4,

COMMITTEE AMENDMENT "A" to H.P. 195, L.D. 232

1 article 3. The commissioner is directed to submit a report with recommendations to the
2 joint standing committee of the Legislature having jurisdiction over health and human
3 services matters no later than December 1, 2020. The committee may report out
4 legislation to the First Regular Session of the 130th Legislature related to the
5 recommendations of the report.

FISCAL NOTE REQUIRED
(See attached)



129th MAINE LEGISLATURE

LD 232

LR 1115(02)

An Act To Change the Process by Which Designated Nonstate Mental Health Institutions Petition the District Court To Admit Certain Patients to a Progressive Treatment Program

Fiscal Note for Bill as Amended by Committee Amendment *A(H-707)*

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to convene a stakeholder group and report back to the legislature, and to the departments who are required to have a representative in the stakeholder group, are expected to be minor and can be absorbed within existing budgeted resources.