

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 232

H.P. 195

House of Representatives, January 22, 2019

**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**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Senator MOORE of Washington and
Representatives: CARDONE of Bangor, CRAVEN of Lewiston, MADIGAN of Waterville,
MEYER of Eliot, RECKITT of South Portland.

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

2 **Sec. 1. 34-B MRSA §3873-A, sub-§1**, as amended by PL 2011, c. 492, §1, is
3 further amended to read:

4 **1. Application.** ~~The superintendent or chief administrative officer of a psychiatric~~
5 ~~hospital, the commissioner, the director of an ACT team, a medical practitioner, a law~~
6 ~~enforcement officer or the legal guardian of the patient who is the subject of the~~
7 ~~application may obtain an order from the District Court to admit a patient to a progressive~~
8 ~~treatment program upon the following conditions:~~

- 9 A. The patient suffers from a severe and persistent mental illness;
- 10 B. The patient poses a likelihood of serious harm;
- 11 C. The patient has the benefit of a suitable individualized treatment plan;
- 12 D. Licensed and qualified community providers are available to support the
13 treatment plan;
- 14 E. The patient is unlikely to follow the treatment plan voluntarily;
- 15 F. Court-ordered compliance will help to protect the patient from interruptions in
16 treatment, relapses or deterioration of mental health; and
- 17 G. Compliance will enable the patient to survive more safely in a community setting
18 without posing a likelihood of serious harm.

19 If the patient who is the subject of the application is under observation, treatment or care
20 at a designated nonstate mental health institution, the superintendent or chief
21 administrative officer of the institution may request the commissioner to obtain an order
22 from the District Court to admit the patient to a progressive treatment program under this
23 subsection.

24 **SUMMARY**

25 This bill changes the process by which a petition to the District Court is made to
26 admit a patient at a designated nonstate mental health institution to a progressive
27 treatment program. Current law provides that the superintendent or chief administrative
28 officer of a psychiatric hospital, including a designated nonstate mental health institution,
29 directly petition the District Court. This bill provides that the superintendent or chief
30 administrative officer of a designated nonstate mental health institution request the
31 Commissioner of Health and Human Services to petition the District Court on the
32 superintendent's or chief administrative officer's behalf.