

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 51

H.P. 15

House of Representatives, January 8, 2025

**An Act to Increase Oversight of Fatalities of and Serious Injuries to
Adults Subject to Public Guardianship**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Received by the Clerk of the House on January 6, 2025. Referred to the Committee on
Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint
Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative SHAGOURY of Hallowell.

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

2 **Sec. 1. 22 MRSA §264, sub-§2, ¶A**, as enacted by PL 2021, c. 398, Pt. MMMM,
3 §2, is amended to read:

4 A. "Adults receiving services" means adults receiving home-based and community-
5 based services under 42 Code of Federal Regulations, Part 441 and adults subject to
6 public guardianship under Title 18-C, Article 5.

7 **Sec. 2. 22 MRSA §264, sub-§3**, as enacted by PL 2021, c. 398, Pt. MMMM, §2, is
8 amended to read:

9 **3. Composition.** ~~The panel consists of up to 15 members and includes health care~~
10 ~~providers, social service providers, public health officials and other persons with~~
11 ~~professional expertise on the health and mortality of adults with disabilities and adults who~~
12 ~~are aging.~~ The commissioner shall appoint the members of the panel unless otherwise
13 specified. ~~At a minimum, the~~ The panel consists of the following members:

14 A. The person who is lead staff attorney for investigations for the Office of the
15 Attorney General or that person's designee;

16 B. The person who is lead staff attorney for health care crime investigations for the
17 Office of the Attorney General or that person's designee;

18 C. A person within the department responsible for licensing and certification;

19 D. A person within the department responsible for aging and disability services;

20 D-1. A person within the department responsible for adult protective services;

21 D-2. A member of the general public with lived experience as an adult receiving
22 services;

23 E. The executive director of the statewide protection and advocacy agency for
24 individuals with disabilities contracted by the department pursuant to Title 5, section
25 19502 or the executive director's designee;

26 F. The executive director of the long-term care ombudsman program as established in
27 section 5106, subsection 5 or the executive director's designee;

28 G. A member of the Maine Developmental Services Oversight and Advisory Board as
29 established in Title 5, section 12004-J, subsection 15 as nominated by that board;

30 H. A health care provider who is licensed under Title 32, chapter 36 or 48 and who
31 has ~~expertise and~~ experience in delivering services to individuals with intellectual
32 disabilities or autism ~~nominated by a statewide association representing physicians;~~

33 H-1. A primary health care provider who is licensed under Title 32, chapter 36 or 48;

34 I. A representative of the developmental service provider community who has
35 expertise regarding community services for individuals with intellectual disabilities or
36 autism;

37 J. A representative of the provider community serving older adults and adults with
38 physical disabilities who has expertise in home-based and community-based services;

1 K. A representative of the provider community who has expertise in delivering home-
2 based and community-based services to individuals with brain injuries or other related
3 conditions; and

4 L. A person who has expertise in forensic pathology.

5 **Sec. 3. 22 MRSA §264, sub-§5, ¶B**, as enacted by PL 2021, c. 398, Pt. MMMM,
6 §2, is amended by amending subparagraph (5), division (d) to read:

7 (d) Documents related to an adult protective case, including documents related
8 to public guardianship, or investigation; and

9 **Sec. 4. 22 MRSA §264, sub-§5, ¶H**, as enacted by PL 2021, c. 398, Pt. MMMM,
10 §2, is amended by amending subparagraph (1) to read:

11 (1) Name, age, sex, race or ethnicity, guardianship status and type of disability or
12 condition of the adult receiving services who is deceased;

13 **SUMMARY**

14 Under current law, the Aging and Disability Mortality Review Panel reviews deaths of
15 and serious injuries to adults receiving services in home-based and community-based
16 services programs, including participants in those programs who are subject to public
17 guardianship. This bill expands the charge of the panel to review all deaths of and serious
18 injuries to adults subject to public guardianship, whether or not they are enrolled in home-
19 based and community-based services programs. It also amends the membership of the
20 panel.