

MAINE STATE LEGISLATURE

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Council

January 17, 1962

William E. Schumacher, M.D., Director

Bureau of Mental Health

Garland B. Ferry, II

Assistant Attorney General

Discharge and Convalescent Status of Voluntary Patients

1. There is no conflict between sections 170 and 184 of Chapter 303, Public Laws 1961. Section 170 says, "The head of the hospital shall discharge any voluntary patient who has recovered or whose hospitalization he determines to be no longer advisable." This language indicates that the discharge of voluntary patients shall take place when the Superintendent is satisfied that there is no further need for hospitalization.
2. Under Section 184 any patient, including voluntary patients, may be placed on convalescent status. Convalescent status under the commitment law is considered to be a part of treatment of patients progressing toward recovery, who, in the opinion of the Superintendent have not yet reached that point in their progress when absolute discharge is in order.

Despite the fact that a voluntary patient may be placed on convalescent status, the legal hold on such a patient while on convalescent status is non-existent. The convalescent status of a voluntary patient must terminate ten days from the date of receipt by the hospital of a request from the patient for his discharge. From a medical and therapeutic standpoint, however, the security of convalescent status may be important to the voluntary patient.

There is some legal advantage in placing a voluntary patient on convalescent status so long as the patient is cooperative, since in the event that further hospitalization is recommended, no new commitment procedure must be pursued.

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cc: Attorney General's Department

