

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 730

H. P. 551

House of Representatives, February 11, 1969

On Motion of Mr. Brennan of Portland. Referred to Committee on Judiciary. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Brennan of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Discharge from Hospitals for the Mentally Ill.

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

R. S., T. 34, § 2374, repealed and replaced. Section 2374 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2374. Discharge

The head of a hospital shall, as frequently as practicable, but no less often than every 12 months, examine or cause to be examined every patient to determine his mental status and need for continuing hospitalization. The head of a hospital shall discharge, or cause to be discharged, any patient, and forward a report thereof to the department, whenever:

1. Conditions. Conditions justifying hospitalization no longer obtain;
2. Transfer. The patient is transferred to another hospital for treatment for his mental or physical condition;
3. Absence. The patient is absent from the hospital unlawfully for a period of 90 days, or notice is received that the patient has been admitted to another hospital within or without the State, for treatment for his mental or physical condition;
4. Another hospital. Although lawfully absent from the hospital, the patient is admitted to another hospital within or without the State, for treatment for his mental or physical condition.

The head of a hospital may discharge, or cause to be discharged, any patient, and forward a report thereof to the department when the patient, and

either the legal guardian, spouse or adult next of kin of the patient, request his discharge, although at the time of such request the patient is mentally ill and appropriately hospitalized in a mental hospital, but in the opinion of the head of the hospital he is not likely to injure himself or others due to such mental illness. Such discharge may be termed "discharge against medical advice."