

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1257

S. P. 418

In Senate, March 7, 1973

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Cummings of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT to Provide for Notice Upon Release or Change of Status of a
Patient in a State Mental Institution.**

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

Sec. 1. R. S., T. 34, § 2374, amended. Section 2374 of Title 34 of the Revised Statutes, as repealed and replaced by chapter 141 of the public laws of 1969, is amended by adding a new paragraph at the end, to read as follows:

The head of a public hospital, whenever one of the above situations specified in this section exists, shall immediately notify the legal guardian, spouse or adult next of kin of the patient, if any is known, that such action has or will take place, unless the patient was transferred from and will be returned to a state correctional facility.

Sec. 2. R. S., T. 34, § 2375, amended. Section 2375 of Title 34 of the Revised Statutes is amended by adding after the 2nd sentence, a new sentence to read as follows:

Prior to such release, the head of a public hospital shall notify the legal guardian, spouse or adult next of kin, if any, of the patient, of intent to release the patient on convalescent status, and of the plan of treatment, if any.

Sec. 3. R. S., T. 34, § 2375, amended. Section 2375 of Title 34 of the Revised Statutes is amended by adding at the end a new paragraph, to read as follows:

If the convalescent status of a patient in a public hospital is to be changed, either because of a decision of the head of the hospital or because of a request made by a voluntary patient, the head of a public hospital shall immediately

notify the legal guardian, spouse or adult next of kin if any, of the patient, of the contemplated change. If the change in convalescent status is due to the request of a voluntary patient, this notice must be given within 10 days after the request is received.

Sec. 4. R. S., T. 34, § 2376, amended. Section 2376 of Title 34 of the Revised Statutes is amended by adding after the first paragraph a new paragraph to read as follows:

When such a request shall be received from a patient in a public hospital, the head of such public hospital shall notify the legal guardian, spouse or adult next of kin of the request and of his intended response thereto. Such notice must be given within 10 days following the request.

STATEMENT OF FACT

This proposal is being made as a response to complaints by parents and relatives of mental patients, that the patients were being transferred or released without any notice to them.