

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1348

H. P. 1026

House of Representatives, March 6, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Lewis of Bristol.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Establish a Discharge Board to Review Recommendations of Discharge of Patients from State Mental Hospitals.

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 Section 2374 of Title 34 of the Revised Statutes, as repealed and replaced by chapter 141 of the public laws of 1969, is amended by adding at the end the following new paragraph:

The head of a public hospital, when he decides that conditions justifying hospitalization of a patient no longer pertain, shall forward his findings and recommendations to the Discharge Board under section 2374-A. Pending the decision of the Discharge Board, the patient shall remain in the institution. Only when the decision of the board is final, following the 30-day appeal period, shall the patient be dismissed.

Sec. 2. R. S., T. 34, § 2374-A, additional. Title 34 of the Revised Statutes is amended by adding a new section 2374-A, to read as follows:

§ 2374-A. Discharge Board

The Governor, with the advice and consent of the Council, shall appoint a Discharge Board to consist of 3 persons with education and experience in the field of mental health, mental retardation and the problems of those institutionalized because of mental illness. These persons shall serve at the pleasure of the Governor and Council. The members of the board shall elect a chairman, who shall preside at all meetings of the board when present. The board shall meet at least once each month and in addition may meet as often as necessary at such times and places as the chairman may indicate. Members of the Board shall be paid \$50 per day and necessary expenses for each day

actually spent in the work of the board. Any 2 members constitute a quorum for the exercise of all powers of the board. The board shall consider the findings and recommendations made by the heads of public hospitals concerning the discharge of any patient under section 2374, subsection 1, and make a final determination on the discharge of such patients. The board shall notify immediately the head of the hospital and the legal guardian, spouse or adult next of kin, when a decision is made to release a patient.

The head of the public hospital shall wait 30 days after notice of intent to release has been sent to the legal guardian, spouse or adult next of kin before releasing the patient. During this time the legal guardian, spouse or adult next of kin may appeal to the Discharge Board for rehearing and reconsideration of the decision. If such appeal is received by the Discharge Board within 30 days, the board shall reconsider the recommendation of the head of the hospital and also the recommendations of the legal guardian, spouse or adult next of kin of the patient. After notice to the affected parties following this rehearing, the board shall make a final decision, which shall be reported to the head of the hospital and the legal guardian, spouse or adult next of kin.

An adverse decision by the Discharge Board shall not prevent the head of a public hospital from resubmitting a recommendation for the discharge of a patient after a waiting period of 6 months from the last decision of the Discharge Board.

This section shall apply only to those patients to be discharged under section 2374, subsection 1. This section shall in no way interfere with the right of any patient to a writ of habeas corpus, with any right of a patient to request his own release, or any right of the patient's legal guardian, spouse or adult next of kin to request his release.

Sec. 3. Appropriation. There is appropriated from the General Fund to the Department of Mental Health and Corrections, Discharge Board, the sum of \$10,500 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
MENTAL HEALTH AND CORRECTIONS,		
DEPARTMENT OF		
Discharge Board		
Personal Services	\$3,750	\$5,000
All Other	750	1,000
	<hr/>	<hr/>
	\$4,500	\$6,000

STATEMENT OF FACT

The discharge policy of the state public mental hospitals has been a point of controversy. It appears that patients are not being discharged into what a layman might consider a community setting but are being placed in foster, boarding and nursing homes. In many cases these homes were not thoroughly checked out by departmental personnel. In many cases discharges were made without the knowledge and consent of the patient's family. The discharge board would be in a position to assist in solving these problems.