

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1738

S. P. 491

In Senate, April 11, 1975

Reported by Senator Greeley of Waldo from Committee on Health and Institutional Services and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT Concerning Residence Facilities of State Patients Released into  
the Community.

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

34 MRSA § 2105 is enacted to read:

§ 2105. Community residence for mentally ill or mentally retarded patients placed on indefinite convalescence status

The chief administrative officer, or a person designated by him, of any state hospital or institution shall determine, prior to the placement of any patient on indefinite convalescence status who has been hospitalized as mentally ill or mentally retarded, whether the patient placed on indefinite convalescence status will be residing in a residential facility which is at least equivalent in the quality of the living conditions to the hospital or institution from which he is to be placed on indefinite convalescence status. Such a patient shall not be placed on indefinite convalescence status from any state hospital or institution if, according to the determination of the chief administrative officer or a person designated by him, the residential facility in which the patient will be residing is not equivalent in the quality of the living conditions to the hospital or institution from which he is to be placed on indefinite convalescence status. The provisions of this section shall not apply to "patients" as described in section 2290.

For the purposes of this section, the Department of Mental Health and Corrections shall establish standards for assessing whether or not residential facilities are equivalent to the existing conditions in state hospitals or institutions.

For the purposes of this section "residential facilities" mean any boarding home, nursing home, foster home, group home or halfway house licensed by the Department of Health and Welfare or used by the Department of Mental Health and Corrections for placement of individuals.

#### STATEMENT OF FACT

Presently, involuntary patients who have been hospitalized as mentally ill or mentally retarded can be placed on indefinite convalescence status and then discharged from hospitals and institutions without any assessment of the facilities to which they will be going. This bill would require such an assessment and would prohibit the discharge of any involuntary patient unless the receiving residential facilities were at least equivalent in quality to the discharging hospital or institution .