

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1537

S. P. 475

In Senate, March 28, 1979

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

Presented by Senator Najarian of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide for the Development of Community Mental Health Services.

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

Sec. 1. 34 MRSA c. 182 is enacted to read:

CHAPTER 182

COMMUNITY MENTAL HEALTH SERVICES

§ 2021. Statement of policy

It is the policy of the State of Maine to develop a flexible, comprehensive system of community mental health services, based on an assessment of local needs and patterns of services and to encourage participation in this system by persons in local communities. The purpose of this system is to promote mental health, prevent mental illness and provide effective treatment and rehabilitation services in the most natural setting appropriate to the needs of persons of all ages and cultural backgrounds suffering from mental illness or disability.

§ 2022. Powers

The Department of Mental Health and Corrections may provide mental health services throughout the State, and for that purpose may cooperate with other state agencies, municipalities, persons, corporations, unincorporated associations

and nonstock corporations. The department shall adopt and promulgate rules, regulations and standards relating to the administration of the services authorized by this chapter and to licensing under this chapter. Under this chapter, funds may be granted by the department only to those applicants whose programs provide for adequate standards of professional service. The department may receive and use for the purpose of this chapter money appropriated by the State and grants by the United States Government, gifts from individuals and from any other sources.

Any state department, municipality, other governmental unit or any branch thereof, or any composite thereof, through its authorized representative or governing body approved by the department, may adopt and conduct a program of mental health services established or approved by the department.

The department may make grants of funds to, or contract with, any entity described in this section applying therefor to be used in the conduct of its mental health services.

§ 2023. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms shall have the following meanings:

1. Area agency. "Area agency" means the lead agency in each mental health services area responsible for planning, coordination, development, review and comment. The area agency may deliver mental health services in the mental health services area. There shall be only one area agency in each services area and that agency may be the Community Mental Health Center Board. It may also be a core service agency for special populations, but if there are separate core service agencies, the area agency will coordinate their activities.

2. Community Mental Health Center. "Community Mental Health Center" means the principal organization for the provision of or for assuring the provision of community mental health services: primarily to residents of a defined "mental health services area;" to any individual residing or employed in such an area regardless of his ability to pay for these services, his current or past health condition or any other factor; and as contracted for by the department.

3. Comprehensive community mental health system. "Comprehensive community mental health system" means an organized system of services, uniquely designed to address the identified needs of all significant population groups in a services area, which includes an array of services, but as a minimum: out-patient; 24-hour emergency; inpatient; day activity or partial hospitalization; community residential; community support; consultation and education services; and services to courts and other agencies. These services shall be defined by the department and the definitions shall be reviewed on an annual basis. The system is accountable to the department. Services may be provided by a single agency or by a combination of agencies.

4. Core service agency. "Core service agency" means that public agency or private nonprofit corporation designated by the department to have primary

responsibility in each local or regional area for case management, advocacy and the development of community support systems and linkages among mental health and related human services for the chronically mentally ill and disabled or other designated priority target populations. Specific responsibilities shall be determined by the department.

5. Department. "Department" means the Department of Mental Health and Corrections. The department is the State mental health authority and is responsible for mental health services.

6. Mental health services area. "Mental health services area" is the basic geographic unit designated by the department for the development of comprehensive mental health services.

7. State mental health plan. "State mental health plan" means that document prepared by the department, which identifies specific problems and needs in the mental health service system and relates specific objectives and activities to those problems and needs.

§ 2024. Responsibilities

The department shall:

1. Services available. Assure that the following mental health services, as defined in accordance with section 2023, subsection 3 are available, to the extent possible, throughout the State:

- A. Outpatient;
- B. Emergency;
- C. Inpatient;
- D. Day activity and partial hospitalization;
- E. Community residential;
- F. Community support;
- G. Consultation and education; and
- H. Services to courts and other agencies;

Priority for the provision of these services shall be given to children, the elderly and the chronically mentally ill and to other groups of people most in need, as determined by the department.

2. Natural setting. Ensure that all clients of the mental health system receive care in the most natural setting possible;

3. Support of the family structure. Ensure that support for and maintenance of the family structure is a primary consideration in the care given to any individual and ensure that the family unit is involved in the care for that individual whenever possible;

4. **Basic rights.** Ensure that the basic rights of current and potential clients in all mental health systems are protected through advocacy efforts;

5. **Natural support.** Promote natural support system and preventive methods of dealing with mental illness; and

6. **Designation for each mental health services area.** Designate a mental health area agency and a core service agency for each mental health services area. Each respective and existent community mental health center will be so designated for an initial 3-year period unless they refuse the designation. Subsequent designations shall be for 3-year periods, shall be reassessed annually and may be terminated at any time;

7. **Planning.** The department shall develop a comprehensive mental health plan for the State, hereafter referred to as the "state plan." The state plan shall conform to all federal requirements and incorporate the major findings of the regional plan. The state plan shall:

A. Describe the state and regional system for planning, developing and managing mental health services, including methods of assuring continuing citizen involvement at state, local, regional and services area levels, and of coordinating institutional and community mental health services;

B. Identify services areas and describe available public and private mental health resources within each area;

C. Identify mental health area agencies and describe their authority, functions and relationships with service areas and mental health service providers;

D. Include the demographic data, program, program planning, evaluation and recommendations which comprise the regional mental health plan;

E. Designate a "core service agency" to serve the chronically mentally ill in each services area or cross services area being served and describe plans to: Improve the community support systems for this population; minimize unnecessary hospitalization; prepare individualized treatment assessment plans and place the chronically mentally ill in the most appropriate and most natural setting; and describe the basic rights of the mentally ill established by the State and procedures for protecting these rights;

F. Identify and set priorities for unmet mental health service needs and systems' problems by services areas and on a local, regional and statewide basis as appropriate; including both institutional services, community based services and support systems for the chronically mentally ill, and community mental health services for acute care; and provide special attention to the needs of unserved, underserved and inappropriately served populations such as children and adolescents, the elderly, racial and ethnic minorities, and the chronically mentally ill;

- G. Set priorities for unmet needs and problems; establish specific objectives and planned activities to address priority needs and problems at state and local levels; and include an evaluation strategy related to each objective;
- H. Describe the relationship between these objectives and the goals and priorities in the state mental health plan;
- I. Describe how existing federal, state and, to the extent feasible, local public and private resources are being utilized to meet these objectives; and
- J. Describe state and local activities or projects designed to prevent mental illness and promote mental health and how the capacity of the mental health system to prevent mental illness will be improved.

This mental health plan is to be revised every 5 years, and updated annually as necessary to reflect progress, changing conditions and revised priorities and objectives in the State; and

8. Mental Health Area Agency. The Mental Health Area Agency shall develop a regional plan in accordance with guidelines established by the department. Upon approval by the department the regional plan shall be included in the state plan.

§ 2025. Implementation

The department shall develop a funding mechanism for the implementation of this chapter and present a recommendation to the Second Regular Session of the 109th Legislature based upon contractual agreement.

§ 2026. Licensing

On and after July 1, 1974, no person, firm, association or corporation shall operate, conduct or maintain in the State any facility for the provision of mental health services, not otherwise licensed as a hospital or medical care facility, without having in full force, subject to the rules and regulations of the department, a written license therefor from the department. The term of such license shall be for one year and the license may be suspended or revoked for just cause. The annual fee for such license shall be \$25. When any such agency, upon inspection by the department, shall be found not to meet all requirements of this section and departmental regulations thereunder, then the department is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the department shall be made by said facility for compliance with this section and departmental regulations thereunder, if in the judgment of the commissioner the best interest of the public will be so served, or a conditional license setting forth conditions which must be met by the agency to the satisfaction of the department or the department may refuse to issue any license. Failure of said agency to meet any of such conditions shall immediately void such conditional license by written notice thereof by the department to the conditional licensee or if the said licensee cannot be reached for personal service by notice thereof left at the licensed premises. The fee for such temporary or conditional license for agencies shall be \$10. A new application for a

regular license may be considered by the department if, when and after the conditions set forth by the department at the time of issuance of such temporary or conditional license have been met and satisfactory evidence of this fact has been furnished to the department. When the department believes a license should be suspended or revoked it shall file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307. A person aggrieved by the refusal of the department to issue a license may file a statement or complaint with the Administrative Hearing Commissioner.

The term "agency for the provision of mental health services" as used in this section shall mean any agency maintained and operated by any person, firm, association or corporation for the purpose of providing out-patient counselling and other psychological and psychiatric, diagnostic or therapeutic services and other allied services. The term "agency for the provision of mental health services" shall not mean the individual or corporate professional practice of any one or more psychologists or any one or more psychiatrists.

Whoever violates this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days.

Sec. 2. 34 MRSA § 2051 is repealed.

Sec. 3. 34 MRSA § 2052, is repealed and replaced by PL 1973, c. 457, § 2, is repealed.

Sec. 4. 34 MRSA § 2052-A, as amended by PL 1973, c. 303, § 3, is repealed.

STATEMENT OF FACT

This bill makes the Department of Mental Health and Corrections responsible for ensuring the provision of certain mental health services and provides for a system to coordinate the planning, development and provision of those services.