

MAINE STATE LEGISLATURE

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(New Draft of S.P. 255, L.D. 800)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1562

S.P. 536

In Senate, May 4, 1983

Reported by Senator Carpenter of Aroostook from the Committee on Health and Institutional Services and printed under Joint Rule 2.

Original bill presented by Senator Bustin of Kennebec. Cosponsored by Senator Gill of Cumberland, Representative Nelson of Portland and Representative Brannigan of Portland.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Amend the Adult Protective Services Act.

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

Sec. 1. 22 MRSA c. 958-A, sub-c. III is enacted to read:

SUBCHAPTER III

PLACEMENT AND THERAPEUTIC SERVICES FOR

DEPENDENT AND INCAPACITATED ADULTS WHO

ARE NOT MENTALLY RETARDED

§3488. Placement

1 When it has been determined, as a part of the
2 adult protective services process, that an incapaciti-
3 tated or dependent adult who is not retarded is in
4 need of placement in a nonmedical licensed or
5 approved facility and the cost of placement, in whole
6 or in part, is state funded, the adult shall be
7 assessed prior to placement for the purpose of iden-
8 tifying the needed level of care.

9 §3489. Levels

10 There shall be 4 levels of care available for
11 dependent or incapacitated adults who are adult pro-
12 ductive services clients and who are not mentally
13 retarded.

14 1. Level one. The adult presents no significant
15 management problems, but has activity of daily living
16 needs beyond care and maintenance to preserve or
17 improve physical and intellectual functioning and
18 independence.

19 2. Level 2. The adult may exhibit signs and
20 symptoms of mental illness controlled by appropriate
21 treatment or have diagnosed problems in social or
22 emotional functioning which require activities aimed
23 at maintaining or improving levels of functioning to
24 achieve maximum independence and accepted participa-
25 tion in community life.

26 3. Level 3. The adult may exhibit inappropriate
27 social and emotional behavior and may intermittently
28 present self-abusive, destructive or aggressive
29 behavior requiring specialized care and supervision.

30 4. Level 4. The adult presents significant
31 mental health, substance abuse or multiple problems
32 and is in need of intensive services or intervention
33 to stabilize placement.

34 §3490. Therapeutic services

35 In addition to basic care and maintenance, a
36 group of alternative care services, including
37 therapeutic services provided by the facility staff
38 to level 3 and level 4 clients, may be purchased,
39 which will implement specific objectives to maximize

1 self-care and independence appropriate to each resi-
2 dent according to a case plan. Rates for therapeutic
3 services shall be established by regulation.

4 §3491. Training team

5 There shall be a multidisciplinary training team
6 for the purpose of providing ongoing training for the
7 facility staff and placement workers.

8 §3492. Rules

9 The department may adopt rules in accordance with
10 the Maine Administrative Procedure Act, Title 5,
11 chapter 375, subchapter II, to carry out this chap-
12 ter.

13 Sec. 2. Appropriation. The following funds are
14 appropriated from the General Fund to carry out the
15 purposes of this Act.

	<u>1983-84</u>	<u>1984-85</u>
16		
17	<u>HUMAN SERVICES, DEPARTMENT OF</u>	
18	Positions	(3)
19	Personal Services	\$ 60,306
20	All Other	<u>127,500</u>
21	Total	\$187,806

22 STATEMENT OF FACT

23 The new draft clarifies that the bill applies to
24 nonretarded clients of the Department of Human Ser-
25 vices who are receiving protective services and
26 specifies how the characteristics of the client
27 should correlate with the level of care to be pro-
28 vided.

29 The Revised Statutes, Title 22, section 3490 pro-
30 vides for the purchase of therapeutic services, with
31 rates established by regulations of the department,
32 not by statute.

33 The training team is to represent several depart-
34 ments and programs.

1 Any rules are to be promulgated according to the
2 Maine Administrative Procedure Act, Title 5, chapter
3 375.

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