



## 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

**Legislative Document** 

No. 1971

H.P. 1419

. G. . . .

House of Representatives, December 18, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 18, 1989. Referred to the Committee on Appropriations and Financial Affairs and 1600 ordered printed pursuant to Joint Rule 14.

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EDWIN H. PERT, Clerk

Presented by Representative BURKE of Vassalboro. Cosponsored Representative CARROLL of Gray and Representative PENDLETON of Scarborough.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

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An Act to Ensure the Quality of Care for Mentally III and Mentally Retarded Individuals in the State.

(EMERGENCY)

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Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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Whereas, the Department of Mental Health and Mental Retardation has only one staff person responsible for licensing 53 agencies with over 160 programs; and

8 Whereas, there are numerous unlicensed providers of mental

- 10 health services in Maine; and
- 12 Whereas, the department has been cited for failing to monitor continuing licensee compliance with applicable laws and 14 rules, in violation of State law; and
- 16 Whereas, the current licensing standards are general and, if strictly applied to all covered programs, could result in
   18 termination of contracts; and
- Whereas, the current licensing program lacks the personnel to develop and implement a process of obtaining and monitoring a
   plan of compliance from licensed providers; and
- 24 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of 26 Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 28 safety; now, therefore,

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

- 32 Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.
  - 1989-90
- 36
  MENTAL HEALTH AND MENTAL RETARDATION,
  38 DEPARTMENT OF
- 40 Administration Mental Health and Mental Retardation
- 42
   Positions
   (6)

   44
   Personal Services
   \$160,000

   All Other
   10,000

   46
   TOTAL
   \$170,000

   48
   Provides funds to establish 3 licensing and
   \$10000
- 503 quality assurance positions to be<br/>responsible for annual surveys of all52agencies and programs licensed by the

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department, including obtaining plans of compliance and conducting monitoring and 2 follow-up visits, promulgating, monitoring and implementing program-specific standards 4 and monitoring and, when necessary, 6 performing quality assurance activities relative to all clients receiving services 8 provided by individuals, programs or organizations receiving funds from the 10 department. 12 **Mental Health Services - Community** All Other \$350,000 14 16 Provides funding in the amount of .5% of agency budget to mental health providers receiving Bureau of Mental Health funds to 1.8 enable providers to perform sufficient 20 quality assurance activities to meet the requirements of the department. 22 DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION 24 TOTAL \$520,000 26 Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved. 28 30 32 STATEMENT OF FACT 34 This bill provides funds to the Department of Mental Health 36 and Mental Retardation to create 6 positions to perform mandated licensing activities and sufficient quality assurance activities to ensure that recipients of services from providers who receive 38 department funds are receiving services of sufficient quality. 40 Funding is also provided to providers to enable them to meet department requirements. 42