

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "H" to H.P. 1537, L.D. 2122, Bill, "An Act to Establish the Advisory Board on Rights of Children in Need of Treatment"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Establish the Advisory Board on Rights of Children in Need of Services'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §12004-I, sub-§59-A is enacted to read:

<u>59-A.</u>	<u>Advisory Board</u>	<u>Expenses</u>	<u>34-B MRSA</u>
<u>Mental Health</u>	<u>on Rights of</u>	<u>Only</u>	<u>§1209-B</u>
<u>and Mental</u>	<u>Children in Need</u>		
<u>Retardation</u>	<u>of Services</u>		

Sec. 2. 34-B MRSA §1209-B is enacted to read:

§1209-B. Advisory Board on Rights of Children in Need of Services

1. Establishment. The Advisory Board on Rights of Children in Need of Services is established, in accordance with Title 5, section 12004-I, subsection 59-A, and consists of 11 members as follows:

A. One parent of a child in need of treatment as defined by section 6201, subsection 2;

B. One parent of a child in need of mental retardation services who does not meet the definition in section 6201, subsection 2;

C. One person who has demonstrated experience as a provider of services to children in a hospital or residential care facility pursuant to section 6201, subsection 3;

- 2 D. One person who is a psychiatrist or a licensed clinical
4 psychologist whose primary practice consists of treating
 children in need of services;
- 6 E. One person who is a primary consumer of mental health
 services;
- 8
- 10 F. One person who is a primary consumer of mental
 retardation services;
- 12 G. One person who is certified to teach special education;
- 14 H. Two persons who have professional experience as
 advocates for children;
- 16
- 18 I. One member of the public who has demonstrated interest
 in the rights of children with special needs; and
- 20 J. One provider of community services for children in need
 of services.

22 Members are appointed by the commissioner for staggered terms not
24 to exceed 2 years.

26 2. Chair. The members of the board shall elect a chair
 from among its members.

28

30 3. Meetings. The board shall meet at least quarterly. A
 representative of the department shall act as liaison between the
32 board and the department.

34 4. Duties. The board has the following duties.

36 A. The board shall advise the department on the
 implementation of the rights of children in need of services
38 from the department.

40 B. The board shall monitor the implementation of rules
 defining the rights of children in need of services and make
42 recommendations to the department about improving the
 content and implementation of the rules.

44 C. The board shall submit a yearly report for the
 commissioner and the joint standing committee of the
46 Legislature having jurisdiction over human resource matters
 regarding the implementation of the rights of children in
48 need of services.

50 5. Access. Board members have access to all living areas
 and program areas and to all records directly relevant to
52 monitoring the implementation of the rules, provided that the

COMMITTEE AMENDMENT "1" to H.P. 1537, L.D. 2122

2 access is in conformity with the laws regarding confidentiality
3 of mental health information.

4 6. Expenses. The members of the board must be reimbursed
5 for their expenses as authorized in Title 5, chapter 379.

8 **FISCAL NOTE**

10 The Department of Mental Health and Mental Retardation will
11 absorb the costs associated with board member expenses and
12 anticipated printing costs within its existing resources.'

14 **STATEMENT OF FACT**

16 This amendment changes the name of the board proposed in the
17 original bill from the Advisory Board on Rights of Children in
18 Need of Treatment to the Advisory Board on Rights of Children in
19 Need of Services. This change is made to reflect the changes in
20 the responsibilities and membership of the board in order to
21 provide that the responsibilities encompass all children
22 receiving services from the Department of Mental Health and
23 Mental Retardation.
24

Reported by the Committee on Human Resources
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