

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2122

H.P. 1537

House of Representatives, January 5, 1990

Submitted by the Department of Mental Health and Mental Retardation
pursuant to Joint Rule 24.

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative DELLERT of Gardiner.

Cosponsored by Senator GILL of Cumberland, Senator BRANNIGAN of
Cumberland and Representative BURKE of Vassalboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Establish the Advisory Board on Rights of Children in Need
of Treatment.**



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

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 Treatment</u>		

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

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

1. Establishment. The Advisory Board on Rights of Children in Need of Treatment, established pursuant to Title 5, section 12004-I, subsection 59-A, shall consist of 7 members as follows:

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

B. 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;

C. One person who is a psychiatrist or a licensed clinical psychologist whose primary practice consists of treating children in need of services;

D. One person who is a primary consumer of mental health services;

E. One person who is certified to teach special education;

F. One person who has professional experience as an advocate for children; and

G. One person of the public at large who has demonstrated interest in the rights of children with special needs.

Members shall be appointed by the commissioner for staggered terms not to exceed 2 years.

2. Chair. The members of the board shall elect a chair.

3. Meetings. The board shall meet at least quarterly. A representative of the Department of Mental Health and Mental Retardation shall act as liaison between the board and the department and shall have the right to attend all meetings of the board.

2 4. Functions. The primary function of the board is to
4 advise the department on the implementation of the rights of
 children in need of treatment who are receiving mental health
 services.

6 5. Responsibilities. The board's responsibilities include
8 monitoring the implementation of the rights pertaining to
 children in need of treatment who are receiving mental health
10 services and making recommendations about improving the
 substantive content and implementations of the rules. Board
12 members shall have access to all living areas and program areas
 and to all grievance records and other records directly relevant
14 to monitoring the implementation of the rules, provided that the
 access is in conformity with the laws regarding confidentiality
16 of mental health information.

18 6. Duties. The board shall prepare a yearly report for the
 commissioner and the joint standing committee of the Legislature
20 having jurisdiction over human resource matters regarding the
 implementation of the rights of children in need of treatment who
22 are receiving mental health services.

24 STATEMENT OF FACT

26 Currently, the Mental Health Rights Advisory Board works in
28 conjunction with the Bureau of Mental Health and focuses on
 rights of adults. This bill creates a similar advisory board,
30 the Advisory Board on Rights of Children in Need of Treatment, to
 work with the Bureau of Children with Special Needs and
32 child-serving agencies on the rights of children in need of
 treatment who are receiving mental health services. This
34 distinction reflects differences in the legal status of children,
 the current system of services and the expertise required to
36 advise on the children's rights.