

MAINE STATE LEGISLATURE

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L.D. 473

(Filing No. H- 446)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 370, L.D. 473, Bill, "An Act to Prevent the State from Discharging People from State Institutions without Adequate Provision for Alternative Services"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 34-B MRSA §3803, sub-§7 is enacted to read:

7. Discharge services. Before discharge from a state mental health institute, a patient must receive a discharge plan that lists all the services the patient needs to enjoy full integration into the community of that person's choice, including but not limited to the following:

- A. Housing and related supports;
- B. Crisis intervention and resolution;
- C. Treatment necessary to the patient's health and safety;
and
- D. Case management or community support services.

Sec. 2. 34-B MRSA §5605, sub-§16 is enacted to read:

16. Discharge services. Before discharge from Pineland Center, a person receiving services must receive a prescriptive program plan that lists all the services the person needs to enjoy full inclusion in the community of that person's choice, including but not limited to the following:

- A. Housing and related supports;

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B. Habilitation and educational or training services necessary to the client's health and safety; and

C. Case management or coordination services.

Sec. 3. Review of involuntary commitment laws. The Department of Mental Health and Mental Retardation shall review the State's involuntary commitment laws to determine whether any changes are advisable. By January 1, 1994, the department shall submit its findings, along with any necessary implementing legislation, to the Joint Standing Committee on Judiciary.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

The Department of Mental Health and Mental Retardation will incur some minor additional costs to review and report on the State's involuntary commitment laws. These costs can be absorbed within the department's existing budgeted resources.'

STATEMENT OF FACT

This amendment replaces the original bill. The original bill would have prohibited the State from discharging people from Pineland Center, the Augusta Mental Health Institute or the Bangor Mental Health Institute unless appropriate community services were planned for and available. This raised concerns that people would be held in institutions even if they no longer needed institutional services. The amendment entitles people in institutions to receive discharge planning before discharge, clarifying that appropriate planning is a right that may be exercised by the individual, but is not a condition that holds the individual in the institution against the individual's will.

The amendment also requires the Department of Mental Health and Mental Retardation to study the State's involuntary commitment laws and to report back to the Legislature with any proposed changes by January 1, 1994.

The amendment also adds a fiscal note to the bill.

Reported by the Committee on Human Resources
Reproduced and distributed under the direction of the Clerk of the House
5/26/93

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