

MAINE STATE LEGISLATURE

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R/S

L.D. 1668

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HUMAN RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 1241, L.D. 1668, Bill, "An Act to Ensure Accessibility to Mental Retardation Services for Persons Who are Deaf or Hard of Hearing"

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. 34-B MRSA §1218 is enacted to read:

§1218. Services to persons who are deaf or hard-of-hearing

1. Mental health services. The Division of Mental Health shall provide accommodations and services for persons who are deaf or hard-of-hearing in order to provide access to mental health programs funded or licensed by the division. These accommodations must include, but are not limited to, the following:

A. Appropriate mental health assessments for clients who are deaf or hard-of-hearing;

B. Provision of interpreter services for treatment;

C. Educational and training for mental health staff providing treatment to persons who are deaf or hard-of-hearing;

D. Placement of telecommunication devices for persons who are deaf or hard-of-hearing in comprehensive community mental health facilities;

COMMITTEE AMENDMENT

2 E. Support and training for families with members who are
3 deaf or hard-of-hearing who experience mental health
4 problems; and

6 F. Establishment of a therapeutic residence program for
7 persons who are deaf or hard-of-hearing and in need of
8 residential mental health treatment. The therapeutic
9 residence program must be operated in conjunction with
10 existing rehabilitation, education, mental health treatment
11 and housing resources. The therapeutic residence program
12 must be staffed by individuals trained in mental health
13 treatment and proficient in communication for the deaf.

14 2. Mental retardation services. The Division of Mental
15 Retardation shall provide accommodations and services ensuring
16 access for persons who are deaf or hard-of-hearing to mental
17 retardation programs funded or licensed by the division. These
18 accommodations and services must include, but are not limited to,
19 the following.

22 A. The Division of Mental Retardation shall ensure the
23 provision of appropriate assessments for clients who are
24 deaf or hard-of-hearing. Assessments must be performed by a
25 person who is proficient in American Sign Language and must
26 include an assessment of mental retardation and an
27 assessment of communication skills, including the capacity
28 to communicate using American Sign Language. The division
29 shall survey the client population to determine which
30 clients are deaf or hard-of-hearing.

32 B. For purposes of treatment, the Division of Mental
33 Retardation shall ensure the provision of interpreter
34 services by a person proficient in American Sign Language.

36 C. The Division of Mental Retardation shall ensure that
37 mental retardation staff providing direct services to
38 persons who are deaf or hard-of-hearing have education and
39 training in American Sign Language and deaf culture.

40 D. The Division of Mental Retardation shall provide for the
41 placement in comprehensive community mental retardation
42 facilities of telecommunication devices for persons who are
43 deaf or hard of hearing.

46 E. The Division of Mental Retardation shall ensure the
47 provision of support and training for families with members
48 with mental retardation who are deaf or hard-of-hearing.

50 F. The Division of Mental Retardation shall establish
therapeutic residence options for persons with mental

2 retardation who are deaf or hard-of-hearing and in need of a
3 residence. The therapeutic residences must be operated in
4 conjunction with existing rehabilitation, education, mental
5 retardation treatment and housing resources. The
6 therapeutic residences must be staffed by individuals
7 trained in mental retardation treatment and proficient in
8 American Sign Language. Therapeutic residence options must
9 be flexible and allow for individual choice.

10 G. The Division of Mental Retardation shall designate in
11 each regional office one staff person who is responsible for
12 the coordination of deaf services in that office. The
13 division shall provide ongoing training to regional office
14 staff with the goal of having at least one person in each
15 regional office who is proficient in American Sign Language.

16 **3. School-aged children.** This section does not diminish or
17 alter in any way the Department of Education's responsibility to
18 provide free and appropriate education to students with
19 disabilities.

20 **4. Report.** The department shall prepare a biennial report
21 that describes accommodations and services available under this
22 section and identifies unmet service needs and a plan to address
23 those needs. The commissioner shall include representatives from
24 deaf communities, families and public and private service
25 agencies in the preparation of the report. The report must be
26 submitted to the joint standing committee of the Legislature
27 having jurisdiction over human resource matters and the Office of
28 the Executive Director of the Legislative Council by January 15th
29 of every even-numbered year.

30 **Sec. 2. 34-B MRSA §3005,** as amended by PL 1993, c. 410, Pt.
31 CCC, §19, is repealed.

32 **Sec. 3. Report.** The Department of Mental Health and Mental
33 Retardation shall submit a report to the joint standing committee
34 of the Legislature having jurisdiction over human resource
35 matters and the Office of the Executive Director of the
36 Legislative Council by January 15, 1995. The report must
37 describe the efforts of the Division of Mental Retardation to
38 provide accommodations and services for persons who are deaf or
39 hard-of-hearing, unmet service needs of department clients and
40 persons who are not clients and a plan to address those needs.
41 The report must also describe strategies employed by other states
42 to provide services for persons who are deaf or hard-of-hearing.
43 States described must include, but are not limited to, Maryland,
44 Massachusetts, New Hampshire and Rhode Island. The Commissioner
45 of Mental Health and Mental Retardation shall include
46 representatives from deaf communities, families and public and
47 private service agencies in the preparation of the report.

2 **Sec. 4. Coordination.** The Deaf Services Coordinator within
4 the Department of Mental Health and Mental Retardation, Division
of Mental Health on the effective date of this Act shall serve as
6 a departmentwide coordinator of services for persons who are deaf
or hard-of-hearing, including clients of the Division of Mental
Health and the Division of Mental Retardation.

8
10 **FISCAL NOTE**

The Department of Mental Health and Mental Retardation will
12 incur some minor additional costs to ensure appropriate access to
mental retardation programs funded or licensed by the department
14 for persons who are deaf or hard-of-hearing and to submit the
required reports. These costs can be absorbed within the
16 department's existing budgeted resources.'

18 **STATEMENT OF FACT**

20 This amendment makes the following changes to the original
22 bill.

- 24 1. The bill's provisions to ensure access to services for
persons with mental retardation who are deaf or hard-of-hearing
26 are merged with existing law regarding access to services for
persons with mental illness who are deaf or hard-of-hearing.
- 28 2. The original bill required the Department of Mental
Health and Mental Retardation, Division of Mental Retardation to
30 provide services directly. The amendment requires the division
to ensure that those services be provided. This change allows
32 the division to ensure access through its contractors.
- 34 3. The original bill required the Division of Mental
Retardation to provide in each regional office at least one
36 person who is proficient in American Sign Language. The
amendment establishes this as a goal and requires the division to
38 designate a coordinator in each regional office.
- 40 4. The amendment expands an existing biennial reporting
42 requirement in mental health to include mental retardation.
- 44 5. The amendment clarifies that the bill does not diminish
or alter the Department of Education's responsibility to provide
46 free and appropriate education to students with disabilities.
- 48 6. The amendment adds a fiscal note to the bill.