

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1929

S.P. 714

In Senate, February 23, 1994

Resolve, to Effect the Health and Social Services Transition Team's Recommended Reorganization of the Department of Human Services and the Department of Mental Health and Mental Retardation into a Single Department of Health, Children and Family Services.

(EMERGENCY)

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator AMERO of Cumberland. (GOVERNOR'S BILL).
Cosponsored by Representative: MORRISON of Bangor.

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

4
Whereas, the State continues to face difficult and uncertain
6 economic times that demand the reorganization of the State's
health and social service organization to ensure that limited
8 resources are spent as much as possible on direct services rather
than administration; and

10
Whereas, State Government must reflect the changes and
12 restructuring that are occurring in the business community by
centralizing administrative functions and coordinating fragmented
14 services in a way that does not adversely affect the provision of
services; and

16
Whereas, the State can no longer financially or
18 philosophically support its current organization of health and
social services, which duplicates administrative and regulatory
20 functions and fails to provide health and social services in an
efficient and cost-effective manner; and

22
Whereas, the Health and Social Services Transition Team
24 reviewed the current organization of the Department of Human
Services and the Department of Mental Health and Mental
26 Retardation and recommended that the Legislature adopt the
Department of Children and Families and the Department of Health
28 and Developmental Services within the constraints of the
Legislature's direction; and

30
Whereas, several members of the Health and Social Services
32 Transition Team, after participating in the process of review and
debate about current and proposed structures for the State's
34 health and social service agencies, believe that the goals of
streamlining these agencies, of providing services in a more
36 efficient and cost-effective manner and of serving the needs of
Maine citizens in a coordinated way will not be adequately met
38 under the proposed Department of Children and Families and the
Department of Health and Development Services; and

40
Whereas, in the judgment of the Legislature, these facts
42 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
44 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

46
**Sec. 1. Creation of the Department of Health, Children and Family
48 Services. Resolved:** That the Department of Health, Children and
Family Services, referred to in this resolve as the "department,"

is created according to the plan in this resolve and those principles recommended by the Health and Social Services Transition Team, created in Resolve 1993, chapter 36, that are not in conflict with this resolve. The department consists of 3 principal functional units, one dealing with child and family issues; one dealing with health issues, including substance abuse and mental health and mental retardation and Medicaid issues; and one dealing with management and budget issues; and be it further

Sec. 2. Departmental senior management. Resolved: That the department is directed by the Commissioner of Health, Children and Family Services, who must have senior management experience in health and social service systems. The department has 2 associate commissioners who are responsible for each of the 2 principal program areas, the Associate Commissioner for Children and Families and the Associate Commissioner for Health and Developmental Services. Administrative, management and budget functions are supervised by the Director of the Office of Management and Budget; and be it further

Sec. 3. Support units of the Office of the Commissioner. Resolved: That the Office of the Commissioner includes the following support units.

1. The Office of Consumer and Legislative Affairs, supervised by the Director of Consumer and Legislative Affairs, coordinates the department's constituent services and public and legislative affairs.

2. The Office of Advocacy, supervised by the Director of Advocacy, coordinates the provision of both state and contracted advocacy services in the health and social services area.

3. The Office of Total Quality Management, supervised by the Director of Total Quality Management, coordinates the department's quality control and total quality management efforts.

4. The Administrative Hearings Unit, supervised by the Director of Administrative Hearings, coordinates administrative hearings in the health and social service areas.

5. The Office of Planning and Development, supervised by the Director of Planning and Development, coordinates research, policy development, health planning and staff training, including the Child Welfare Training Institute.

6. The State Forensic Service, supervised by the Director of the State Forensic Service, encompasses all the functions of the current State Forensic Service; and be it further

2 **Sec. 4. Children and families program area. Resolved:** That the
3 Associate Commissioner for Children and Families supervises the
4 following bureau directors and program areas.

5 1. The Bureau of Child Welfare Services, supervised by the
6 Director of the Bureau of Child Welfare Services, includes the
7 Office of Purchased Services, the Division of Child Protective
8 Services, the Division of Children's Services, the Division of
9 Child Care Licensing and the Division of Adoption Services.

10 2. The Bureau of Children and Families with Special Needs,
11 supervised by the Director of the Bureau of Children and Families
12 with Special Needs, includes the Office of Purchased Services,
13 the Division of Children and Families for Children Aged Birth to
14 5 Years, the Division of Children and Families for Children from
15 Adolescence to Young Adulthood, the Elizabeth Levinson Center,
16 the Bath Children's Home and the Division of Family Support.

17 3. The Bureau of Family Assistance, supervised by the
18 Director of the Bureau of Family Assistance, includes the
19 Division of Support Enforcement and Recovery, the Division of
20 Quality Control, the Division of Disability Determination
21 Services and the Division of Regional Operations, which
22 coordinates the ASPIRE-JOBS, AFDC and food stamp programs and
23 Medicaid eligibility; and be it further

24 **Sec. 5. Health and developmental services program area. Resolved:**
25 That the Associate Commissioner for Health and Developmental
26 Services supervises the following bureau directors and program
27 areas.

28 1. The Bureau of Community Health, supervised by the
29 Director of the Bureau of Community Health, includes the Division
30 of Public Health Nursing, the Division of Health Promotion and
31 Education, the Division of Health and Environmental Testing
32 Laboratory, the Division of Health Engineering, the Division of
33 Dental Health, the Division of Data, Research and Vital
34 Statistics, the Division of Disease Control and the Division of
35 Maternal and Child Health.

36 2. The Bureau of Elder and Adult Services, supervised by
37 the Director of the Bureau of Elder and Adult Services,
38 coordinates the provision of adult community services, purchased
39 services and long-term care.

40 3. The Bureau of Adults with Special Needs, supervised by
41 the Director of the Bureau of Adults with Special Needs,
42 coordinates the provision of adult mental retardation services
43 through regional operations or the Pineland Center and adult
44 protective services.

2 4. The Bureau of Mental Health, supervised by the Director
of the Bureau of Mental Health, includes the Division of
4 Community Services, the Augusta Mental Health Institute and the
Bangor Mental Health Institute.

6
8 5. The Bureau of Medical Services, supervised by the
Director of the Bureau of Medical Services, includes the Division
of Quality Assurance, the Division of Medical Policy and
10 Programs, the Division of Surveillance and Utilization Review,
the Division of Reimbursement and Financial Services, the
12 Division of Managed Care and the Division of Licensing,
Certification and Residential Care.

14
16 6. The Bureau of Substance Abuse, supervised by the
Director of the Bureau of Substance Abuse, encompasses all the
functions of the current Office of Substance Abuse; and be it
18 further

20 **Sec. 6. Office of Management and Budget. Resolved:** That the
Director of the Office of Management and Budget supervises the
22 following divisions and program support areas:

- 24 1. Division of Personnel;
- 26 2. Division of Office Services;
- 28 3. Division of Data Processing;
- 30 4. Division of Regional Administration;
- 32 5. Division of Financial Services;
- 34 6. Division of Audits;
- 36 7. Staff Education and Training Unit; and
- 38 8. Office of Affirmative Action; and be it further

40 **Sec. 7. Implementation of consolidation plan. Resolved:** That the
effective date for final implementation of the consolidation
42 proposed in accordance with this resolve is July 1, 1995. The
commissioners and staff of the Department of Human Services and
44 the Department of Mental Health and Mental Retardation shall work
with the membership and staff of the Joint Standing Committee on
46 Human Resources during the First Regular Session of the 117th
Legislature to develop necessary changes to the proposed
48 legislation recommended by the Health and Social Services
Transition Team and any additional legislation that may be
50 required to carry out the intent of this resolve.

