

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 455

H.P. 333

House of Representatives, January 23, 1997

An Act to Create a Compliance Plan for Certain Residents of Mental Health Facilities.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MARVIN of Cape Elizabeth.
Cosponsored by Senator MITCHELL of Penobscot and
Representatives: BRAGDON of Bangor, FULLER of Manchester, WINSOR of Norway,
Senators: PARADIS of Aroostook, PENDLETON of Cumberland.

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

Sec. 1. 34-B MRS.A §1437 is enacted to read:

§1437. Compliance plans for deinstitutionalization of persons
with predisposition to violence

1. Plan required prior to discharge. Before any resident or patient who is determined by the department to have a predisposition to violence may be discharged from any mental health residential facility, including a state mental health institute, the department must prepare an individual compliance plan for that resident or patient.

2. Plan requirements. The plan must:

A. State upon what basis the determination was made that the person is predisposed to violence; and

B. If a precondition of discharge is that the person continue taking certain medications, indicate what those medications are and the dosage of each and must establish a mechanism to ensure periodic and routine testing to monitor whether the correct medications in the proper doses are being taken by the person after discharge. The plan must also provide for periodic reevaluation of the appropriateness of the type and amount of medication required.

3. Failure to comply. If the person fails to take medication or refuses to submit to testing to determine whether that person is taking medication as required by the compliance plan, the person must be returned to the facility or institute.

SUMMARY

This bill requires that before a patient or resident who is determined to be predisposed to violence may be discharged from a mental health facility or institute, the Department of Mental Health, Mental Retardation and Substance Abuse Services must prepare an individual compliance plan to ensure that the person continues on any necessary course of medication. If the patient fails to take the medication or refuses to submit to tests to determine whether the medication is continuing to be taken, then the person may be returned to the facility or institute.