

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

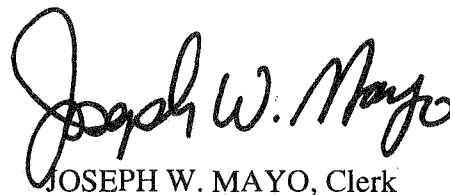
No. 1413

H.P. 1021

House of Representatives, March 11, 1997

**An Act to Maintain the Augusta Mental Health Institute and the Bangor
Mental Health Institute.**

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


JOSEPH W. MAYO, Clerk

Presented by Representative O'BRIEN of Augusta.
Cosponsored by Representatives: BRAGDON of Bangor, MADORE of Augusta, SAXL of
Bangor, WINN of Glenburn.

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

2 **Sec. 1. 34-B MRSA §1217**, as enacted by PL 1991, c. 9, Pt. E,
4 §18 is amended to read:

6 **§1217. Application of consent decree**

8 It is the intent of the Legislature that the principles of
the consent decree issued on August 2, 1990 by the Superior
10 Court, Kennebec County, in Civil Action Docket No. 89-88 as they
relate to the development of a comprehensive mental health system
12 apply to all persons with severe and prolonged mental illness.
~~The--individualized--support--plan--process--as--contained--in--the~~
14 ~~decree--in--paragraphs--49--through--74,--to--the--extent--possible--and~~
~~within--available--resources,--must--be--applicable--to--current--and~~
16 ~~future--patients--of--the--Bangor--Mental--Health--Institute.~~ The
18 individualized support plan process as contained in the decree in
paragraphs 49 through 74 must be applicable to the current and
20 future patients of the Bangor Mental Health Institute as well as
the current and future patients of the Augusta Mental Health
22 Institute and those current and future persons receiving mental
health services from any agency or facility receiving any money
24 from the State. In addition, patient assessments must be
provided to Bangor Mental Health Institute patients beginning
26 July 1, 1991 and must be completed quarterly until individualized
support plan implementation is developed.

28 **Sec. 2. 34-B MRSA §3201**, as enacted by PL 1983, c. 459, §7,
is amended to read:

30 **§3201. Maintenance**

32 The commissioner shall maintain 2 state mental health
34 institutes for the mentally ill, one at Bangor called the Bangor
Mental Health Institute and the other at Augusta called the
36 Augusta Mental Health Institute. The Augusta Mental Health
Institute must remain open for forensic hospitalizations. There
38 must be at each hospital a sufficient number and full complement
of appropriately credentialed staff. A full complement of
40 appropriately credentialed staff includes psychiatrists, medical
doctors, psychologists, social workers, registered nurses, mental
42 health workers, occupational and recreational therapists and
chaplains per treatment unit per shift for each day of the week.

44 **Sec. 3. 34-B MRSA §3202, sub-§2**, as enacted by PL 1983, c.
46 459, §7, is amended to read:

48 **2. Qualifications.** To be eligible to be appointed
superintendent or acting superintendent, a person ~~shall~~ must be a
50 qualified psychiatrist, qualified hospital administrator,
qualified psychologist or a person with a master's degree in

social work, public administration or public health.

Sec. 4. 34-B MRSA §3202, sub-§4, ¶¶A and B, as amended by PL 1995, c. 560, Pt. K, §35, is further amended to read:

A. The Superintendent of the Bangor Mental Health Institute has general superintendence of the Bangor Mental Health Institute and its grounds under the direction of the commissioner and shall receive all persons legally sent to the Bangor Mental Health Institute who are in need of special care and treatment, ~~if accommodations permit.~~

B. The Superintendent of the Augusta Mental Health Institute has general superintendence of the Augusta Mental Health Institute and its grounds under the direction of the commissioner and shall receive all persons legally sent to the Augusta Mental Health Institute who are in need of special care and treatment, ~~if accommodations permit.~~

Sec. 5. 34-B MRSA §3802, sub-§5, as enacted by PL 1983, c. 459, §7, is amended to read:

5. Forms. Prescribe the form of applications, records, reports and medical certificates provided for under this subchapter and prescribe the information required to be contained in them. Forms must be standardized throughout the mental health system and must conform with the uniform reporting systems established by the Board of Directors of the Maine Health Data Organization.

Sec. 6. 34-B MRSA §3831, sub-§1, as enacted by PL 1983, c. 459, §7, is amended to read:

1. Availability of accommodations. Except in cases of medical emergency or where there is a likelihood of serious harm, voluntary admission is subject to the availability of suitable accommodations.

SUMMARY

This bill makes the following changes to the laws governing the Augusta Mental Health Institute and the Bangor Mental Health Institute.

1. It affirms the necessity for the existence of the Augusta Mental Health Institute and the Bangor Mental Health Institute. This bill also sets forth minimum staffing requirements to be maintained at each institute so that these 2 hospitals can adequately serve the population of Maine.

2. It requires that the qualifications for superintendent of a state mental health institute also apply to an acting superintendent.
3. It requires the Superintendent of the Bangor Mental Health Institute to admit all persons legally sent to the Bangor Mental Health Institute for either voluntary or involuntary hospitalization.
4. It requires the Superintendent of the Augusta Mental Health Institute to admit all persons legally sent to the Augusta Mental Health Institute for voluntary, involuntary or forensic hospitalization.
5. It requires that forms used throughout the mental health system be standardized and brought into conformity with the uniform reporting systems established by the Board of Directors of the Maine Health Data Organization.
6. It requires that there be voluntary admission of the mentally ill not only in cases of medical emergency but also in cases when there is a likelihood of serious harm.
7. It requires that resources be made available so that the individualized support plan process contained in the Augusta Mental Health Institute consent decree may be applicable to current and future patients of the Bangor Mental Health Institute and to current and future persons receiving mental health services funded in any way by the State.