

# MAINE STATE LEGISLATURE

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MINORITY  
HEALTH AND HUMAN SERVICES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1573, L.D. 2207, Bill, "An Act to Establish the Office of Mental Health and Human Services Ombudsman"

Amend the bill by striking out the title and substituting the following:

'Resolve, Establishing the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Task force established. Resolved: That there is established the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services, referred to in this resolve as the "task force"; and be it further

Sec. 2. Membership. Resolved: That the task force consists of 13 members as follows:

1. The Commissioner of Human Services or the commissioner's designee;

2. The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services or the commissioner's designee;

3. The following members appointed by the President of the Senate:

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- 2 A. One member of the Joint Standing Committee on Health and  
Human Services representing the majority party;
- 4 B. One member of a statewide organization representing  
6 children;
- 8 C. One member of a statewide organization representing  
low-income families;
- 10 D. One member of a statewide organization representing  
12 persons with developmental disabilities;
- 14 E. One member of a statewide organization representing  
consumers of substance abuse services; and
- 16 F. One person representing the Medicaid Ombudsman; and

18 4. The following members appointed by the Speaker of the  
20 House of Representatives:

- 22 A. One member of the Joint Standing Committee on Health and  
Human Services representing the minority party;
- 24 B. One member of a statewide organization representing  
26 women;
- 28 C. One member of a statewide organization representing the  
elderly;
- 30 D. One member of a statewide organization representing  
32 persons with mental illness; and
- 34 E. One person representing the long-term care ombudsman  
program; and be it further

36 **Sec. 3. Appointments. Resolved:** That all appointments must be  
38 made no later than 30 days following the effective date of this  
resolve. The appointing authorities shall notify the Executive  
40 Director of the Legislative Council upon making their  
appointments. When the appointment of all members is complete,  
42 the Chair of the Legislative Council shall call and convene the  
first meeting of the task force no later than August 1, 1998.  
44 The task force shall select a chair from among its legislative  
members; and be it further

46 **Sec. 4. Duties. Resolved:** That the task force shall study the  
48 need for an ombudsman for the Department of Human Services and  
the Department of Mental Health, Mental Retardation and Substance  
50 Abuse Services. In examining this need, the task force shall  
examine the operation and effectiveness of current

**COMMITTEE AMENDMENT**

ombudsman programs, advocacy programs, offices of consumer affairs, appeals procedures and other opportunities for clients of the 2 departments and other members of the public to express their interests to the departments. The task force shall consider models for client representation in use in other states and shall make recommendations for those 2 departments; and be it further

**Sec. 5. Staff assistance. Resolved:** That the task force shall request staffing and clerical assistance from the Legislative Council; and be it further

**Sec. 6. Reimbursement. Resolved:** That the task force members who are legislators are entitled to legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at meetings of the task force and to reimbursement for travel and other necessary expenses upon application to the Legislative Council. Members who are not Legislators serve without reimbursement of any type. The Executive Director of the Legislative Council shall administer the task force's budget; and be it further

**Sec. 7. Report. Resolved:** That the task force shall submit a report with any accompanying legislation to the First Regular Session of the 119th Legislature by December 15, 1998; and be it further

**Sec. 8. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1998-99

**LEGISLATURE**

**Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services**

Personal Services	\$660
All Other	1,100

Provides funds for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the

H. of S.

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2 Department of Mental Health, Mental  
Retardation and Substance Abuse Services.

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TOTAL

\$1,760

6  
8 MENTAL HEALTH, MENTAL RETARDATION AND  
SUBSTANCE ABUSE SERVICES, DEPARTMENT OF

10 Office of Advocacy - MHMRSAS

12 Positions - Legislative Count (2,000)  
Personal Services \$71,132  
14 All Other 6,386

16 Provides funds for 2 Advocate positions to  
18 increase advocacy services provided by the  
department.

20 DEPARTMENT OF MENTAL HEALTH, MENTAL  
22 RETARDATION AND SUBSTANCE ABUSE  
SERVICES  
TOTAL

\$77,518

26 TOTAL APPROPRIATION

\$79,278'

28 Further amend the bill by inserting at the end before the  
30 summary the following:

32 FISCAL NOTE

34 1998-99

36 APPROPRIATIONS/ALLOCATIONS

38 General Fund \$79,278

40 This bill includes a General Fund appropriation of \$77,518  
42 in fiscal year 1998-99 for 2 Advocate positions within the  
Department of Mental Health, Mental Retardation and Substance  
44 Abuse Services. The estimated annual cost of these positions  
beginning in fiscal year 1999-2000 is \$82,500.

46 The Legislature will require a General Fund appropriation of  
48 \$1,760 in fiscal year 1998-99 for the per diem and expenses of  
legislative members and miscellaneous costs, including printing,  
of the Task Force to Study the Need for an Ombudsman for the  
50 Department of Human Services and the Department of Mental Health,  
Mental Retardation and Substance Abuse Services. The additional

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costs associated with providing staffing and clerical assistance to the task force can be absorbed by the Legislature utilizing existing budgeted resources.

The additional costs associated with the task force can be absorbed by the Department of Mental Health, Mental Retardation and Substance Abuse Services and by the Department of Human Services utilizing existing budgeted resources.'

### SUMMARY

This amendment is the minority report of the Joint Standing Committee on Health and Human Services. It establishes the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It charges the task force with studying other ombudsman programs and options for the departments. It requires a report and legislation by December 15, 1998. It also adds 2 positions in the Office of Advocacy within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

The amendment also adds an appropriation and a fiscal note to the resolve.