

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 905

S.P. 258

In Senate, February 15, 2001

**An Act to Amend Laws Governing Children's Mental Health Services
Regarding the Informal Grievance Process.**

Submitted by the Department of Mental Health, Mental Retardation and Substance Abuse Services pursuant to Joint Rule 204.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CATHCART of Penobscot.
Cosponsored by Representative KANE of Saco and
Representatives: BROOKS of Winterport, FULLER of Manchester, LOVETT of
Scarborough, O'BRIEN of Augusta, SHIELDS of Auburn.

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

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Sec. 1. 34-B MRSA §15002, sub-§4, ¶A, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is amended to read:

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A. The departments shall adopt rules providing for an informal grievance process that may be initiated at the request of a child or the child's family. The informal grievance process, which may utilize mediation, must include a commence within 5 working days of the filing of the grievance. A written decision with findings of fact by an impartial hearing officer must be filed within one week of the filing of the grievance if mediation is not requested by the child or the child's family and, if mediation is requested, within 2 weeks of the filing of the grievance. Providers of care and advocates for the child may be heard at the request of the child or the child's family. The informal grievance process is provided in addition to any rights of appeal that may be available under law, rule or regulation. If the right to appeal is limited to a certain time period, that time period begins to run on the date of issuance of a decision under this paragraph.

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SUMMARY

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The purpose of this bill is to amend the laws governing children's mental health services to allow sufficient time for mediation and discussion to reach resolution between parties to a dispute. Under current law, the informal grievance process must include a written decision within one week of filing or, if mediation is requested, within 2 weeks of filing. This bill requires that the process commence within 5 working days of filing.