

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1231

H.P. 917

House of Representatives, February 28, 2001

An Act to Provide an Advocate Program for Disabled Persons in Court-like Proceedings.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative NORBERT of Portland. (By Request)

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

2
3 Sec. 1. 22 MRSA §3-E is enacted to read:

4 §3-E. Advocate program for disabled persons

6 1. Advocate program established. There is established in
8 the Bureau of Health an advocate program to provide assistance to
disabled persons.

10 2. Disabled person. For purposes of this section,
12 "disabled person" means a person who is a disabled individual as
defined in Title XVI of the United States Social Security Act,
14 Section 1614, as amended.

16 3. Disabled person's right to advocacy services. Each
disabled person who is a resident of this State is entitled to
18 advocacy services pursuant to subsection 5.

20 4. Advocates. The department shall hire advocates, subject
to the Civil Service Law, who must be qualified by experience and
22 training.

24 A. The minimum qualifications for employment as an advocate
must include the following:

26 (1) A 6-year combination of appropriate experience,
28 education and training in advocacy or dispute
resolution;

30 (2) Knowledge of administrative, adjudicatory or
32 health care laws, rules and procedures;

34 (3) Knowledge of legal documents, court procedures and
rules of evidence; and

36 (4) Knowledge of medical and legal terminology and
38 practices with respect to health care.

40 B. The department shall ensure that advocates receive
appropriate and ongoing education and training.

42 5. Duties of advocates. An advocate has the following
44 duties:

46 A. Assisting a disabled person in matters regarding claims
relating to health care including negotiations;

48 B. Assisting and advocating on behalf of a disabled person
50 in any mediation or hearing proceeding under the
jurisdiction of the department; and

52 C. Maintaining confidentiality of information and

2 communications with respect to the assistance and
3 representation provided to a disabled person.

4 **6. Rulemaking.** The Bureau of Health shall adopt rules to
5 carry out the purposes of this section. Rules adopted pursuant
6 to this subsection are routine technical rules as defined in
7 Title 5, chapter 375, subchapter II-A.

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SUMMARY

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This bill establishes an advocate program in the Department of Human Services, Bureau of Health to provide assistance to disabled persons in hearings or proceedings relating to the care of disabled persons.

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