

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1607

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1184, L.D. 1607, Bill, "An Act to Further Protect the Rights of Persons with Mental Retardation or Autism"

Amend the bill in section 1 in subsection 13 in paragraph B by striking out all of subparagraph (2) (page 1, lines 36 to 38 in L.D.) and inserting in its place the following:

'(2) With the approval, following a case-by-case review, of the chief administrative officer of the residential facility and; a representative of the person's residence, day program or work site; an advocate of the department; a representative of the Division of Mental Retardation; and a representative of the Consumer Advisory Board.'

Further amend the bill in section 3 by striking out all of paragraph D-1 (page 1, lines 49 and 50 and page 2, lines 1 to 3 in L.D.) and inserting in its place the following:

'D-1. A device whose effect is to reduce or inhibit a person's movement in any way but whose purpose is to maintain or ensure the safety of the person is not considered behavioral treatment. Such a device may be used only in conformity with applicable state and federal rules and regulations, when recommended by a qualified professional after approval of the person's service plan and when use of the device is approved by the chief administrative officer of the residential care facility; a representative of the person's residence, day program or work site; an advocate of the department; a representative of the Division of Mental Retardation; and a representative of the Consumer Advisory Board.'

COMMITTEE AMENDMENT

R.O.S.

COMMITTEE AMENDMENT "*A*" to H.P. 1184, L.D. 1607

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SUMMARY

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6 This amendment redefines the situations in which a safety
8 device may be used for a person receiving mental retardation
10 services from the Department of Mental Health, Mental Retardation
and Substance Abuse Services or through a program funded by the
Department of Mental Health, Mental Retardation and Substance
Abuse Services. It changes the composition of the group of
persons who may approve the use of certain behavioral treatments.

COMMITTEE AMENDMENT