

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 480

S.P. 165

In Senate, February 4, 2003

**Resolve, To Maintain Flexibility and Safety in Caring for People  
with Severe and Persistent Mental Illness**

(EMERGENCY)

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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 President DAGGETT of Kennebec.  
Cosponsored by Representative O'BRIEN of Augusta and  
Senators: MARTIN of Aroostook, MAYO of Sagadahoc, Representatives: COWGER of  
Hallowell, CRAVEN of Lewiston, LAVERRIERE-BOUCHER of Biddeford, LERMAN of  
Augusta, MOODY of Manchester.

2           **Emergency preamble. Whereas,** Acts and resolves of the  
Legislature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

4  
6           **Whereas,** there are currently insufficient community mental  
health resources to prevent otherwise unnecessary hospitalization  
of persons with mental illness; and

8  
10           **Whereas,** the Riverview Psychiatric Center being constructed  
in Augusta will have fewer beds than the facility that it is  
replacing, the Augusta Mental Health Institute; and

12  
14           **Whereas,** the lack of an adequate number of inpatient  
psychiatric beds imposes long delays in providing definitive care  
for patients requiring hospitalization; and

16  
18           **Whereas,** patients waiting for an acute inpatient  
psychiatric hospital bed to become available often spend hours to  
days in emergency departments throughout the State with the  
secondary result that emergency departments have reduced ability  
to care for all emergency patients needing care; and

22  
24           **Whereas,** the Maine Medical Association, Maine Psychiatric  
Association, Maine Osteopathic Association, Maine Chapter of the  
American College of Emergency Physicians, the Citizens Advisory  
Group on Mental Health and the Maine Chapter of the National  
Alliance for the Mentally Ill agree that the number of beds  
planned for the Riverview Psychiatric Center is inadequate; and

30           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now, therefore, be it

36           **Sec. 1. Maintenance of bed capacity at Augusta Mental Health**  
**Institute. Resolved:** That the Department of Behavioral and  
38           Developmental Services shall maintain one unit of between 18 and  
24 beds in the Stone Building at the Augusta Mental Health  
40           Institute in a condition and configuration appropriate for  
patient care for a period of one year after the opening of the  
42           Riverview Psychiatric Center; and be it further

44           **Sec. 2. Report of transfer requests. Resolved:** That from April 1,  
2003 to April 1, 2006 the Department of Behavioral and  
46           Developmental Services shall report quarterly to the joint  
standing committee of the Legislature having jurisdiction over  
48           health and human services matters the number of requests for  
transfer to the Augusta Mental Health Institute and the Riverview  
50           Psychiatric Center, which is scheduled to open and replace the

2 Augusta Mental Health Institute in the fall of 2003. The report  
must include the date, time, referring facility, response to the  
4 request for transfer, reason for the response and resulting  
placement of the patient. The report is public information and  
6 must be available for review by the public; and be it further

8 **Sec. 3. Criteria for transfer. Resolved:** That the criteria for  
transfer to a state psychiatric facility must include the  
following:

10 1. Requiring hospitalization for 30 days or longer;

12 2. Mental illness of such acuity that the patient can not  
14 be safely and appropriately cared for in a community hospital or  
freestanding private psychiatric hospital; and

16 3. Requiring acute psychiatric hospitalization when there  
18 is not an option more suitable; and be it further

20 **Sec. 4. Plan required. Resolved:** That, if the percentage of  
patients determined to be appropriate for transfer under the  
22 criteria of section 3 and rejected from admission to the Augusta  
Mental Health Institute or the Riverview Psychiatric Center  
24 exceeds 30% of the patients for whom transfer is requested for 2  
consecutive calendar quarters, the Department of Behavioral and  
26 Developmental Services, by the end of the next calendar quarter  
following such rejections, shall present to the joint standing  
28 committee of the Legislature having jurisdiction over health and  
human services matters, within the next calendar quarter  
30 following the report, a plan to meet the needs of those patients  
who are being denied admission.

32 **Emergency clause.** In view of the emergency cited in the  
34 preamble, this resolve takes effect when approved.

### 36 SUMMARY

38 This resolve directs the Department of Behavioral and  
40 Developmental Services to maintain bed capacity at the Augusta  
Mental Health Institute, establishes criteria for to meet  
42 submitting a plan for mental health needs and requires quarterly  
reports on transfer requests.