MAINE STATE LEGISLATURE

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	L.D. 1211
2	DATE: 5-20-03 (Filing No. H-493)
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6	MAJOL ITY JUDICIARY
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10	Reproduced and distributed under the direction of the Clerk of the House.
12	STATE OF MAINE
14	HOUSE OF REPRESENTATIVES 121ST LEGISLATURE
16	FIRST REGULAR SESSION
18	COMMITTEE AMENDMENT "A" to H.P. 885, L.D. 1211, Bill, "An
20	Act To Amend the Laws Relating to Medical Certification of the Cause of Death and the Medical Examiner Act"
22	
24	Amend the bill by striking out the title and substituting the following:
26 28	'An Act To Amend the Laws Relating to Medical Certification of the Cause of Death and the Medical Examiner Act and To Create the Maine Elder Death Analysis Review Team'
30	Further amend the bill by inserting after the enacting clause and before section 1 the following:
32	'Sec. 1. 5 MRSA §200-H is enacted to read:
34	§200-H. Maine Elder Death Analysis Review Team
36	There is created, within the Office of the Attorney General,
38	the Maine Elder Death Analysis Review Team, referred to in this section as "the team."
40	
42	1. Composition. The team is composed of 13 members as follows:
44	A. The Chief Medical Examiner, ex officio;
46	B. The Director of Investigations for the Office of the Attorney General, ex officio;
48	C. The Director of the Division of Licensing and
50	Certification within the Department of Human Services, Bureau of Medical Services, ex officio;

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 885, L.D. 1211

2	D. The Director of the Health Care Crimes Unit within the
	Office of the Attorney General, ex officio;
4	
_	E. The Director of Community Resource Development within
6	the Department of Human Services, Bureau of Elder and Adult
	Services, ex officio;
8	
	F. The Director of the Adult Protective Services program
LO	within the Department of Human Services, Bureau of Elder and
	Adult Services, ex officio;
L2	
	G. The Director of Adult Mental Health Services within the
L4	Department of Behavioral and Developmental Services, ex
	officio;
L 6	
	H. The executive director of the long-term care ombudsman
18	program, as established in Title 22, section 5106,
	subsection 11-C, ex officio;
20	
	I. A representative of victim services, appointed by the
22	Attorney General:
24	J. A commanding officer of the Criminal Investigation
	Division within the Department of Public Safety, Bureau of
26	the State Police, appointed by the Attorney General;
	The second control of the second seco
28	K. A prosecutor, nominated by a statewide association of
20	prosecutors and appointed by the Attorney General;
30	T 3 milio objet nominaka bu a mbabada samajakian se
32	L. A police chief, nominated by a statewide association of
32	chiefs of police and appointed by the Attorney General; and
34	W) should nominated by a state-old consistion of
34	M. A sheriff, nominated by a statewide association of
36	sheriffs and appointed by the Attorney General.
30	2 Designates towns of office An or office member may
38	2. Designees: terms of office. An ex officio member may appoint a designee to represent the ex officio member on the
30	team. A designee, once appointed, qualifies as a full voting
40	member of the team who may hold office and enjoy all the other
¥U	rights and privileges of full membership on the team. All of the
42	appointed members of the team serve for a term of 3 years. Any
7.6	vacancy on the team must be filled in the same manner as the
44	original appointment, but for the unexpired term.
**	original appointment, but for the unexpired term.
46	2 Mantings: officers The team shall meet at such time an
4 0	3. Meetings: officers. The team shall meet at such time or
48	times as may be reasonably necessary to carry out its duties, but it shall meet at least once in each calendar quarter at such
± 0	place and time as the team determines, and it shall meet at the
50	gall of the chair. The Attorney General shall call the first

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COMMITTEE AMENDMENT "H" to H.P. 885, I	L.D.	1211
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meeting before January 1, 2004. The team shall organize initially and thereafter annually by electing a chair and a vice-chair from among its members. The vice-chair shall also serve as secretary.

4. Powers and duties. The team shall examine deaths and serious injuries associated with suspected abuse or neglect of elderly adults and vulnerable adults. The purpose of such examinations is to identify whether systems that have the responsibility to assist or protect victims were sufficient for the particular circumstances or whether such systems require adjustment or improvement. The team shall recommend methods of improving the system for protecting persons from abuse and neglect, including modifications of statutes, rules, training and policies and procedures.

5. Access to information and records. In any case subject to review by the team, upon oral or written request of the team, notwithstanding any other provision of law, any person that possesses information or records that are necessary and relevant to a team review shall as soon as practicable provide the team with the information and records. Persons disclosing or providing information or records upon request of the team are not criminally or civilly liable for disclosing or providing information or records in compliance with this subsection.

6. Confidentiality. The proceedings and records of the team are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The Office of the Attorney General shall disclose conclusions of the review team upon request, but may not disclose information, records or data that are otherwise classified as confidential.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

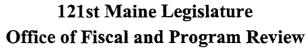
38 SUMMARY

This amendment creates the Maine Elder Death Analysis Review
42 Team to examine deaths and serious injuries associated with
suspected abuse or neglect of elderly adults and vulnerable
44 adults.

FISCAL NOTE REQUIRED (See attached)

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Approved: 05/14/03





An Act To Amend the Laws Relating to Medical Certification of the Cause of Death and the Medical Examiner Act

LR1817(02)

Fiscal Note for Bill as Amended by Committee Amendment " "
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund