

MAINE STATE LEGISLATURE

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L.D. 1211

DATE: 5-20-03

(Filing No. H-493)

MAJORITY
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 885, L.D. 1211, Bill, "An Act To Amend the Laws Relating to Medical Certification of the Cause of Death and the Medical Examiner Act"

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Amend the bill by striking out the title and substituting the following:

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'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'

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Further amend the bill by inserting after the enacting clause and before section 1 the following:

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'Sec. 1. 5 MRSA §200-H is enacted to read:

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§200-H. Maine Elder Death Analysis Review Team

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There is created, within the Office of the Attorney General, the Maine Elder Death Analysis Review Team, referred to in this section as "the team."

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1. Composition. The team is composed of 13 members as follows:

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A. The Chief Medical Examiner, ex officio;

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B. The Director of Investigations for the Office of the Attorney General, ex officio;

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C. The Director of the Division of Licensing and Certification within the Department of Human Services, Bureau of Medical Services, ex officio;

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COMMITTEE AMENDMENT

2 D. The Director of the Health Care Crimes Unit within the
3 Office of the Attorney General, ex officio;

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5 E. The Director of Community Resource Development within
6 the Department of Human Services, Bureau of Elder and Adult
7 Services, ex officio;

8
9 F. The Director of the Adult Protective Services program
10 within the Department of Human Services, Bureau of Elder and
11 Adult Services, ex officio;

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13 G. The Director of Adult Mental Health Services within the
14 Department of Behavioral and Developmental Services, ex
15 officio;

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17 H. The executive director of the long-term care ombudsman
18 program, as established in Title 22, section 5106,
19 subsection 11-C, ex officio;

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21 I. A representative of victim services, appointed by the
22 Attorney General;

23
24 J. A commanding officer of the Criminal Investigation
25 Division within the Department of Public Safety, Bureau of
26 the State Police, appointed by the Attorney General;

27
28 K. A prosecutor, nominated by a statewide association of
29 prosecutors and appointed by the Attorney General;

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31 L. A police chief, nominated by a statewide association of
32 chiefs of police and appointed by the Attorney General; and

33
34 M. A sheriff, nominated by a statewide association of
35 sheriffs and appointed by the Attorney General.

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37 2. Designees; terms of office. An ex officio member may
38 appoint a designee to represent the ex officio member on the
39 team. A designee, once appointed, qualifies as a full voting
40 member of the team who may hold office and enjoy all the other
41 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
43 vacancy on the team must be filled in the same manner as the
44 original appointment, but for the unexpired term.

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46 3. Meetings; officers. The team shall meet at such time or
47 times as may be reasonably necessary to carry out its duties, but
48 it shall meet at least once in each calendar quarter at such
49 place and time as the team determines, and it shall meet at the
50 call of the chair. The Attorney General shall call the first

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

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.

SUMMARY

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

FISCAL NOTE REQUIRED (See attached)

COMMITTEE AMENDMENT

Approved: 05/14/03 *MAC*

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1211

**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