

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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

COMMITTEE AMENDMENT "A" to H.P. 1083, L.D. 1478, Bill, "An Act To Change the Membership of the Review Team for Aversive Behavior Modifications for Persons with Mental Retardation or Autism"

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

'An Act To Change the Membership of the Review Team for Aversive Behavior Modifications and Safety Devices for Persons with Mental Retardation or Autism'

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 34-B MRSA §5605, sub-§14, ¶D-1, as enacted by PL 2001, c. 245, §3, is amended to read:

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

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SUMMARY

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6 This amendment adds a provision to the bill to change the
8 membership of the review team for safety devices that reduce or
10 inhibit a person's movement. The amendment removes the
administrator and representative of the facility or program from
the review team. This makes the review team for safety devices
the same as the review team for aversive behavior modifications
as provided in the bill.