

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1713

S.P. 645

In Senate, December 17, 2003

**Resolve, To Establish the Commission To Study Access to
Prescription Medication for Persons with Mental Illness**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 16, 2003. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRENNAN of Cumberland.
Cosponsored by Representative DUDLEY of Portland and
Senator: President DAGGETT of Kennebec, Representatives: BULL of Freeport, CRAVEN of
Lewiston, WALCOTT of Lewiston.

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

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6 **Whereas,** this resolve establishes the Commission to Study
Access to Prescription Medication for Persons with Mental
Illness; and

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10 **Whereas,** the study must be initiated before the 90-day
period expires in order that the study may be completed and a
report submitted in time for submission to the First Regular
Session of the 122nd Legislature; and

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14 **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

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20 **Sec. 1. Commission established. Resolved:** That the Commission
to Study Access to Prescription Medication for Persons with
Mental Illness, referred to in this resolve as "the commission,"
is established; and be it further

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24 **Sec. 2. Commission membership. Resolved:** That the commission
consists of members appointed as follows:

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28 1. Two members of the Senate, appointed by the President of
the Senate, one of whom serves on the Joint Standing Committee on
Health and Human Services and one of whom serves on the Joint
Standing Committee on Business, Research and Economic Development;

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32 2. Two members of the House of Representatives, appointed
by the Speaker of the House, one of whom serves on the Joint
Standing Committee on Health and Human Services and one of whom
serves on the Joint Standing Committee on Business, Research and
Economic Development;

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36 3. The Commissioner of Professional and Financial
Regulation, or the commissioner's designee;

38
40 4. The Commissioner of Behavioral and Developmental
Services or the commissioner's designee;

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44 5. One member representing the Maine Medical Association;

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48 6. One member representing the Maine Psychological
Association;

2 7. One member representing the National Alliance for the
Mentally Ill;

4 8. One member representing the Maine Association of Mental
Health Services;

6 9. One practicing psychologist, appointed by the President
8 of the Senate; and

10 10. One practicing psychiatrist, appointed by the Speaker
of the House; and be it further

12 **Sec. 3. Chairs. Resolved:** That the first-named Senate member
14 is the Senate chair of the commission and the first-named House
of Representatives member is the House chair of the commission;
16 and be it further

18 **Sec. 4. Appointments; convening of commission. Resolved:** That
all appointments must be made no later than 30 days following the
20 effective date of this resolve. The appointing authorities shall
notify the Executive Director of the Legislative Council once all
22 appointments have been completed. Within 15 days after
appointment of all members, the chairs shall call and convene the
24 first meeting of the commission; and be it further

26 **Sec. 5. Duties. Resolved:** That the commission shall examine
issues associated with access to prescription medication for
28 persons with mental illness. Specifically, the commission shall
examine:

30 1. Limitations to access to prescription medication for
32 persons with mental illness in this State presented by the
numbers of treating psychiatrists and child psychiatrists in the
34 various counties of the State;

36 2. Whether medication is being prescribed for persons with
38 mental illness when other mental health interventions might be
more appropriate; and

40 3. Whether prescriptive authority for psychotropic drugs
should be extended to other health care professionals. In
42 examining this issue, the commission shall review the experience
of other states that have extended such prescriptive authority;
44 and be it further

46 **Sec. 6. Staff assistance. Resolved:** That, upon approval of the
Legislative Council, the Office of Policy and Legal Analysis
48 shall provide necessary staffing services to the commission; and
be it further

2 **Sec. 7. Compensation. Resolved:** That the legislative members
of the commission are entitled to the legislative per diem, as
4 defined in the Maine Revised Statutes, Title 3, section 2, and
reimbursement for travel and other necessary expenses related to
6 their attendance at authorized meetings of the commission.
Public members not otherwise compensated by their employers or
8 other entities that they represent are entitled to receive
reimbursement of necessary expenses and, upon a demonstration of
10 financial hardship, a per diem equal to the legislative per diem
for their attendance at authorized meetings of the commission;
12 and be it further

14 **Sec. 8. Report. Resolved:** That, no later than November 3,
2004, the commission shall submit a report that includes its
16 findings and recommendations, including suggested legislation,
for presentation to the joint standing committee of the
18 Legislature having jurisdiction over health and human resources
matters, the joint standing committee of the Legislature having
20 jurisdiction over business, research and economic development
matters and the Legislative Council. The commission is not
22 authorized to introduce legislation. Following receipt and
review of the report, the joint standing committee of the
24 Legislature having jurisdiction over health and human resources
matters and the joint standing committee of the Legislature
26 having jurisdiction over business, research and economic
development matters may jointly report out a bill to the First
28 Regular Session of the 122nd Legislature; and be it further

30 **Sec. 9. Extension. Resolved:** That, if the commission requires
a limited extension of time to complete its study and make its
32 report, it may apply to the Legislative Council, which may grant
an extension; and be it further

34 **Sec. 10. Commission budget. Resolved:** That the chairs of the
36 commission, with assistance from the commission staff, shall
administer the commission's budget. Within 10 days after its
38 first meeting, the commission shall present a work plan and
proposed budget to the Legislative Council for its approval. The
40 commission may not incur expenses that would result in the
commission's exceeding its approved budget. Upon request from
42 the commission, the Executive Director of the Legislative Council
shall promptly provide the commission chairs and staff with a
44 status report on the commission budget, expenditures incurred and
paid and available funds.

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

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SUMMARY

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This resolve establishes the Commission to Study Access to Prescription Medication for Persons with Mental Illness. The commission is directed to assess the limitations to access to prescription medication presented by the availability of treating psychiatrists in various counties in the State, whether medication is being prescribed in situations in which other mental illness interventions might be more appropriate, and whether prescriptive authority for psychotropic drugs should be extended to other health care professionals.

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