

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 151

S.P. 57

In Senate, January 13, 2005

### An Act To Improve the Delivery of Maine's Mental Health Services

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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 Senator NUTTING of Androscoggin.  
Cosponsored by Senators: MAYO of Sagadahoc, MILLS of Somerset, Representatives:  
CRAVEN of Lewiston, DUDLEY of Portland, PINGREE of North Haven, WALCOTT of  
Lewiston.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 34-B MRSA §3873** is enacted to read:

6 **§3873. Administration of medication**

8 Administration of medication to a patient admitted to a  
10 nonstate mental health institution or a state mental health  
12 institute under this article is subject to the requirements of  
14 this section.

16 A. A patient in a state mental health institute may be  
18 administered medication if:

20 (1) The patient agrees to accept the medication; or

22 (2) The patient does not agree to accept the  
24 medication and the superintendent of the state mental  
26 health institute has determined that administration of  
28 the medication is necessary as treatment for the  
30 patient's health. The superintendent shall enter into  
32 the patient's medical record the determination to  
34 administer medication pursuant to this subparagraph. A  
36 patient administered medication under this subparagraph  
38 has a right to appeal the decision of the  
40 superintendent as provided in rules adopted pursuant to  
42 Title 22, section 1719. An appeal under this  
44 subparagraph does not prevent administration of  
46 medication as determined to be necessary for the  
48 patient's health.

50 B. A patient at a nonstate mental health institution or a  
state mental health institute admitted for observation,  
diagnosis, care or treatment under this article may be  
discharged pursuant to a medication and treatment compliance  
contract. The medication and treatment compliance contract  
must include specific responsibilities for providers of  
health care services and for the person discharged,  
including compliance with a treatment and medication  
schedule to be followed by the person. The contract must  
contain a condition that if the person does not adhere to  
the medication and treatment schedule, the discharge is  
revoked and the person must return to the nonstate mental  
health institution or state mental health institute under  
the terms of the prior admission for observation, diagnosis,  
care or treatment.

C. The department shall adopt rules consistent with the  
requirements of section 3003 and Title 22, section 1719 to  
implement this section. Rules adopted pursuant to this

2 section are routine technical rules as defined in Title 5,  
3 chapter 375, subchapter 2-A.

4 **Sec. 2. Rights of recipients of mental health services.** By October  
5 15, 2005, the Department of Health and Human Services shall adopt  
6 rules consistent with the Maine Revised Statutes, Title 22,  
7 section 1719; Title 34-B, section 3003, subsection 2; and Title  
8 34-B, section 3873 regarding the rights of recipients of mental  
9 health services and providing for administration of medication as  
10 set forth in Title 34-B, section 3873. Rules adopted pursuant to  
11 this section are routine technical rules as defined in Title 5,  
12 chapter 375, subchapter 2-A.

14  
15  
16 **SUMMARY**

17 This bill establishes a procedure for the involuntary  
18 administration of medication to a patient at a nonstate mental  
19 health institution or a state mental health institute, with an  
20 appeal procedure within the department and if that appeal is  
21 unsuccessful, then a further appeal to the court. The bill  
22 requires the Department of Health and Human Services to adopt  
23 rules to implement the administration of medication provisions  
24 and requires amendment of the department's rules regarding the  
25 rights of recipients of mental health services. The bill  
26 designates rules adopted to be routine technical rules.