

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 615

H.P. 464

House of Representatives, February 8, 2007

An Act To Authorize the Use of the Department of Health and Human Services Staff as Hearing Officers

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative MILLER of Somerville.
Cosponsored by Senator BRANNIGAN of Cumberland.

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

2 **Sec. 1. 34-B MRSA §1203, sub-§4**, as amended by PL 1995, c. 15, §1 and PL
3 2003, c. 689, Pt. B, §6, is further amended to read:

4 **4. Grievance procedures.** The commissioner shall establish procedures for hearing
5 grievances of clients receiving children's behavioral health, adult mental health or adult
6 mental retardation services from the department. The commissioner shall also establish
7 procedures for hearing client appeals from the denial of eligibility for adult mental
8 retardation services from the department. The procedures must include the opportunity
9 for a timely hearing before a state hearing examiner or an independent fair hearing
10 examiner. The commissioner may assign staff of the department's office of
11 administrative hearings or may contract for the services of the hearing examiner or
12 examiners, who shall conduct all adjudicatory proceedings pursuant to the Maine
13 Administrative Procedure Act ~~and who may not be employees of the Department of~~
14 ~~Health and Human Services.~~

15 **SUMMARY**

16 This bill eliminates the prohibition that existed in the former Department of
17 Behavioral and Developmental Services against allowing department employees to serve
18 as hearing examiners in grievances filed by clients receiving adult mental health services,
19 adult mental retardation services or children's behavioral health services. Following the
20 merger of that department with the Department of Health and Human Services, the office
21 of administrative hearings operates separately from the program employees and can fairly
22 and impartially hear these matters